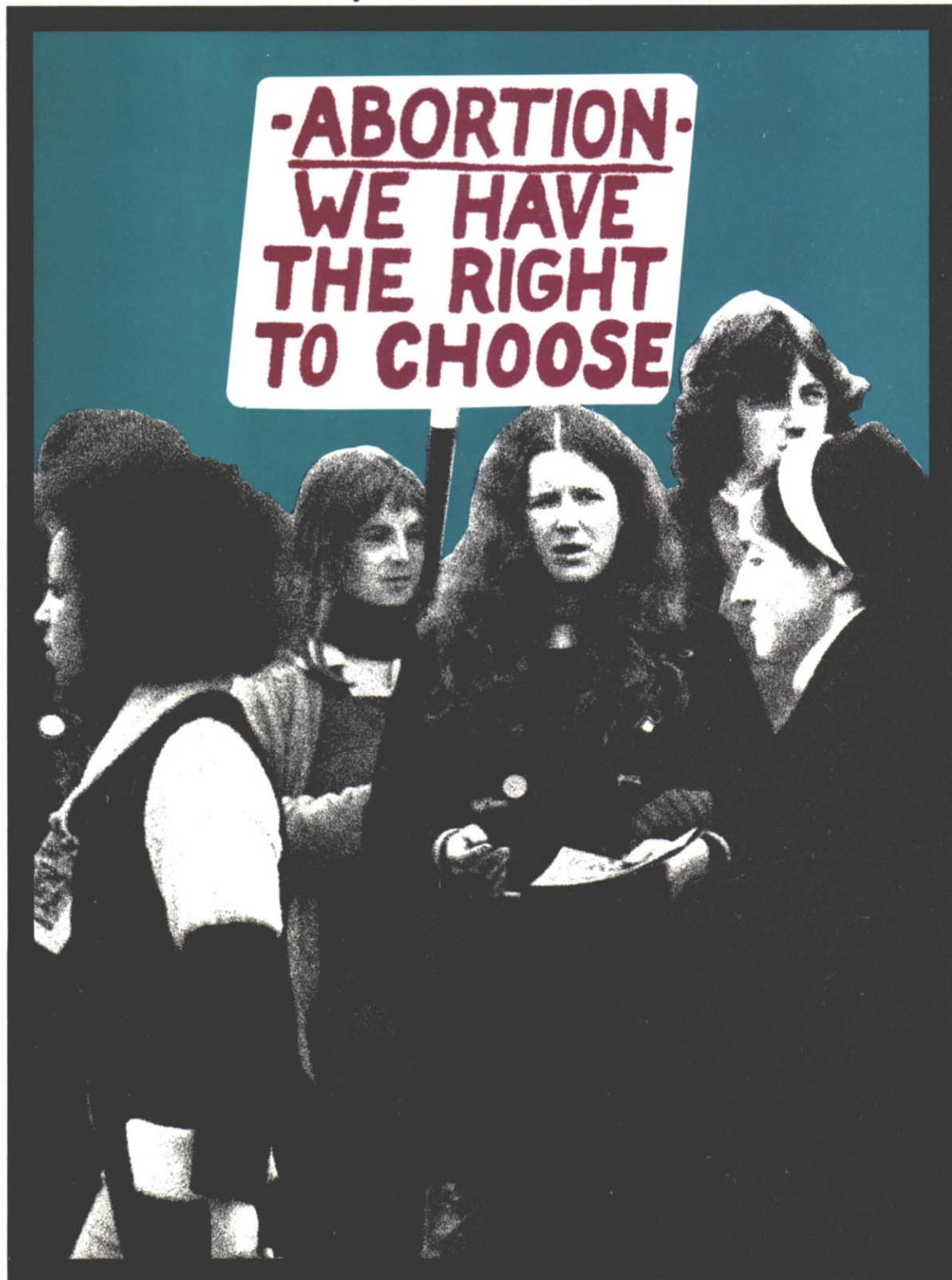


**THE
LIBERTARIAN
REVIEW**
September 1979
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Peter Breggin on Psychiatry and the CIA
Marshall E. Schwartz on Nuclear Power
Ed Crane, Milton Mueller and Joan Kennedy Taylor on the
Future of the Libertarian Party

Plus: "Abortion: The Battle Over Freedom of Choice"
by Leslee J. Newman

LIBERTARIAN



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**Abortion:
Battle over
Freedom
of Choice**

by Leslee J. Newman

A bigoted and determined minority is being rallied by the pundits of the New Right and financed by the Catholic Church in an effort to deprive American women of their freedom of choice with regard to abortion—while polls indicate that up to 81 percent of the people of this country want that freedom protected.

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THE LIBERTARIAN EDITORIALS

Jimmy Carter's war on energy

AS A NATION WE have chewed up Presidents and spat them out for more than a decade now. The mounting crisis and the urgent television appeal are nothing new to us. We listened to the dog-faced homilies of LBJ again and again as he slipped into the maw of Vietnam. We watched gleaming beads of sweat break out on Richard Nixon's face as he solemnly explained his crimes to us. By July 15, 1979, when yet another solitary white male in a dark suit, Jimmy Carter, sat staring out at 60-million of us, this spectacle had already become a television *genre* as familiar as cops and robbers. Amidst

dropping polls and a chorus of accusatory, and conflicting voices, Presidents—hopelessly caught in the contradictions of power—trudge into an electronic confessional to try to pull themselves together politically.

That Presidents sinking in political quicksand might ever compete regularly with the Saturday Night Movie should be cause for rejoicing among libertarians. But Jimmy Carter added a new twist to the *genre* that night of July 15: an explicit awareness that the authority of the government of this country is on the skids. America is changing, moving away from its more than 70 year old love affair with the Imperial Presidency. It will take more than the usual fireside chat to turn this trend around, and Jimmy Carter knows it. That, of course, was what his energy address was all about, and not the sordid collection of taxes, subsidies, and bureaucratic fascism that made up his specific proposals.

Carter was aware of what he had to overcome. His initial response to the spreading chaos in energy had been to plan yet another of his clipped, glassy-eyed monologues in which he would set forth some 12 point program carefully crafted to miss the point. But he realized that such a talk wouldn't make a dent in the

Nielsen ratings, much less in the nation's psyche. He had watched the television audiences for his four speeches on energy dwindle from 80-million viewers for the original declaration of the Moral Equivalent of War, down to 30-million for the last scuffle. Thus as events showered down on him, increasingly out of control—gas lines, bad news about recession and double-digit inflation, OPEC price increases—Carter abruptly cancelled his July 5 speech. He packed his bags and withdrew to his Camp David retreat while the news media, the country and his own Cabinet wondered what was happening. Into the vacuum created by his absence there rushed a flurry of speculation, heightening the sense of confused indirection. Was the President ill, exhausted, paralyzed, crazy?

But Carter had a plan. For ten days he summoned more than 130 people to consult with him on the mountaintop. The list of guests made it clear that it is primarily the opinion of the *political class* in which Carter is interested: there were Governors, Senators, Representatives, Mayors, Academic court intellectuals, favored businessmen and labor leaders, and a few members of the Washington press corps and the clergy. It must have resembled an American Götter-

dämmerung, a twilight of the Gods, as gray-haired politicians sat around the conference tables on the sun-dappled mountain, bobbed in the swimming pool, jogged, and moaned about the disunity and unruliness of the American people. The mood was perhaps best expressed by Senator Dale Bumpers of Arkansas, who said "we have to do something—anything—even if it's wrong." And just to prove that his fingers were firmly on the pulse of the American people, Carter swooped down, motorcade and all, on two all-American families in Pennsylvania and West Virginia for a chat about the country's malaise.

Carter emerged from his days in the wilderness with a messianic desire to make the energy crisis the rallying point for a rebirth of American unity. And so he delivered a speech that the news media unanimously—and accurately—dubbed a "sermon."

It was god-awful. Carter came out immediately with his central concern: "Why have we not been able to get together as a nation to resolve our serious energy problem?" And for 33 minutes he read aloud the self-serving bits of advice he had gleaned from his consultations ("Mr. President, we're in trouble. Talk to us about blood, sweat and tears. If you lead, Mr. President, we will follow."). He also deplored our bruised national ego ("We can see this crisis in the growing doubt about the meaning of our lives and in the loss of a unity of purpose for our nation."); sternly condemned what he called "the worship of self-indulgence and consumption" ("We've discovered that owning things and consuming things does not satisfy our longing for meaning."); and catalogued the "growing disrespect" for the country's institutions. *Straining and snorting*



'HENRY — IT'S THE THERMOSTAT POLICE!'

against the limitations placed on him by the twilight of authority, speaking as if Vietnam, Watergate, Iran and Three Mile Island had never happened or that no one was responsible for them, Carter urged America to make energy "the immediate test of our ability to unite this nation"—under Jimmy Carter. "On the battlefield of energy," he said with an almost Nixonian intensity, "we can win for our nation a new confidence, and we can seize control again of our common destiny."

There is one great, gaping hole in Carter's analysis. Search the entire text and you will find no speculation whatsoever as to *why* this country is losing its optimism and confidence. There is only the plaintive cry that the growing disrespect for authority makes "effective leadership" impossible. In other words, we don't need to worry about *why* the country is in a spiritual and material bind; we only need to get behind a leader. We needn't worry about the fact that we are still suffering from the fall-

out of *past* leaders and *other* moral equivalents of war, we only need to "rekindle our sense of unity." We don't need to dig up or discuss the ugly truth about shortages and price controls and the Department of Energy, we only need to "join hands in America." But how in the hell are we supposed to join hands in a gas line? How can brotherhood last alongside governmental allocation schemes that pit East against West and consumers against truckers?

It is doubtful, of course, that Jimmy Carter is in any position to worry about what *caused* the problems that face us; his position and his power force him to be more concerned about the possibility for national unity and "effective leadership" than about solving the energy crisis. The bottom line is this: if Jimmy Carter and his ilk are to maintain their ability to rule this country they have to counteract, in a fundamental way, the "decadence," the "fragmentation," and the "self-interest"—all pejoratives for the decline of state authority—

that make it increasingly difficult to wield power. Carter's sermon therefore relied on a very carefully chosen set of values, principles and symbols. Carter's sermon, in other words, put forth the very gospel of government, and we would do well to listen closely if we are to know our enemy.

There were scapegoats. Dark-skinned, white-robed Arab scapegoats, and fat, greedy oil company scapegoats. Before 60-million people, Carter made the fantastically ludicrous statement, as if it were an eternal verity, that our dependence on imported oil was "directly responsible" for fuel shortages and gas lines. Never mind that Japan imports all of its oil and Europe imports 85 percent of its oil without having anything approaching our problems. Never mind that it would be cheaper to pay *double* OPEC's allegedly unfair current price than it would be to finance Carter's extravagant synthetic fuel program. "Our neck is stretched over the fence," quoth Carter, preying on feelings of helplessness

and emasculation, "and OPEC has the knife." But as if to rip away any conceivable pretense of sincerity about this belief, a few days before the speech, *The Washington Post* revealed a confidential memo to Carter from his top domestic policy advisor that concluded "we can mobilize the nation around a real crisis with a clear enemy—OPEC." And the oil companies were *made* to be scapegoats. "We are pressing the refineries . . . to increase their production" said Carter at a follow-up speech on July 16. To list the things the government has done to hamper and restrict the production of the refineries would fill the editorial pages of this magazine, but no matter. Simply order the bastards to produce more, and make it seem as if the production of energy is simply a matter of issuing commands. Carter, teeth bared, added that "we are requiring the oil companies to cooperate. If they do not cooperate voluntarily we will not hesitate to use the authority that I have to require the oil companies

to meet the basic energy needs of the nation. The oil companies must cooperate." While he is publicly scapegoating them, of course, he is privately lining their pockets with his syn-fuel boondoggle.

There was also collectivism. A small-minded, backwater, Battle-Hymn-of-the-Republic collectivism that scored Americans for their wasteful ways and urged them to repent by subordinating themselves to his leadership, a.k.a. the "national purpose," the "common destiny," the "common faith," or whatever other bromide came to mind at the moment. The disparagement of individualism reached its peak when Carter declared:

We are at a turning point in our history. There are two paths to choose. One is the path I've warned about tonight—the path that leads to fragmentation and self-interest. Down that road lies a mistaken idea of freedom: the right to grasp for ourselves some advantage over others . . . all the promises of our future point to another path: the path of common purpose and the restoration of American values.

Can there be any doubt about *whose* purpose is to be designated the "common" one?

Finally, there was rampant militarism. War analogies growled out at us from the climaxes of Carter's television address, and militarism went hog-wild at his speech before the National Association of Counties the next day. "We must deal with the energy problem on a war footing," said Carter's mythical "labor leader," and he added: "When we enter the moral equivalent of war, Mr. President, don't issue us BB guns." Carter patterned his Energy Mobilization Board proposal after the War Production Board of the forties, declaring that "our energy crisis is so severe

that if any level of government fails to act within a reasonable time, this board will see to it that action is taken, just as similar boards made sure action was taken to protect our nation's existence in World War II." Carter vowed to "open up new fronts and develop new lines of attack" on the energy crisis, because "on the battlefield of energy this democracy which we love is going to make its stand." We will "fight the energy battle," we will "win the energy war" . . . listeners were beginning to feel shell-shocked.

But Carter is still grasping desperately for a moral equivalent of war. And in an America entering the '80s, it is no accident that waning leaders in search of power reach instinctively for wartime analogies, collectivist homilies and social scapegoats. These are the fundamental tools of authoritarianism, designed to set people against each other, fool them into suspending their individual judgment, and whip them into line so as to be more easily manipulable. Carter's speech was a veritable taxonomy of statism. That Carter could shamelessly use all these tricks of his trade in the name of American values and the American spirit is further proof, if anybody needed it, that politicians are thieves in a more dangerous sense than mere muggers or con men—they rob us of our values and our integrity, not just our money. The problem is that most Americans *do* feel the country is in a spiritual shambles, and that we *do* need decisive action to solve our problems. The mere fact that authoritarian solutions have created the crisis is no assurance that people will not turn to the short-range allure of "get tough" government and dictatorial leaders. Indeed, in today's shaky world situation, we must all tremble before the possibility that

Carter will fail in his attempt to find a "moral equivalent" of war and will have to settle for the real thing. How the people of this country respond to Carter's sermon could be the ultimate litmus test of just how much of the American spirit is left.

—MM

IT WAS NOT TO BE expected that the President, thrashing about in the death throes of his presidency, would take either the courageous or even the mildly gusty approach to the energy mess, which mess is the making of his and his predecessors' administrations. To have told the unalloyed truth to the American people is obviously beyond the capability, or at least beyond the desire, of the man who vowed that he would never lie to us. And to propose a policy consistent with economic reality would be, he must imagine, to commit political suicide.

The failure of nerve is glaring. Scapegoating is the pattern of the day, and even his choice of letters to quote reveals his manipulation of the American people's cherished myths. Midway into Mr. Carter's list of letters, we heard this: "Our neck is stretched over the fence and OPEC has a knife. There will be other cartels and other shortages. American wisdom and courage right now can set a path to follow in the future."

Oh but our neck is *not* stretched over any fence of OPEC's making. As Warren Brookes has pointed out, "nearly all of the OPEC price hikes since 1978 can be blamed directly on U.S. inflation, and the falling dollar, and both were made in Washington." The price of OPEC oil has risen only one percent in West Germany since 1975, because the German Mark has not gone shooting down in value. But during those

years, American inflation was 21 percent, and the price of OPEC oil rose only 10 percent, that is: half as fast. So the "real" price of Arab oil has gone *down* 10 percent since 1975. In other words, because American currency has lost so much value, we experience not the reality but the appearance of a huge increase in the price of OPEC oil. To rub it in one more time: reality is not the same as appearance.

But Jimmy Carter has chosen to perpetuate the myth. And, coupling the perfectly valid goal of reducing our dependence on foreign oil—valid not because of a non-existent price "gouging" by the Arabs but because we are better off if less dependent on unstable, sometimes erratic foreign governments—with an implicit scapegoating of the Arabs, he has moved on to his dramatic announcement that we will never—repeat: Never—import more oil than we did in 1977.

That, in case you were wondering, is the moral equivalent of war. The mouse that roared.

The President thrashes more: he looks up to Heaven and invokes the Deity every fourth paragraph: always nice to have God in your corner. He leaps back to the anti-Washington rhetoric of his 1975-1976 campaign: "What you see too often in Washington and elsewhere around the country, is a system of government that seems incapable of action. You see a Congress, twisted and pulled in every direction, with hundreds of well-financed and powerful special interests." And on, and on. And on.

But the obvious conclusion to follow an anti-Washington premise is itself anti-Washington in nature. And we do not get this from Mr. Carter. No, the free market approach recedes

further as the huge new bureaucracy begins to take shape in the President's action proposals. One Hundred And Forty Billion Dollars' worth of new bureaucracy and additions to old bureaucratic agencies. A smidgen to mass transport here, a droplet to work on alternate energy sources there, a little bit of something for everybody.

And then comes the sacrifice routine. Did you see the ghost of John F. Kennedy in the background, just to the left of Jimmy, demanding that we ask not what our country can do for us but what we can do for our country? JFK started his presidency on that gruesome note; Jimmy winds up his presidency on it, too, in spirit if not in exactly the same words. He'll get his stand-by rationing system, ready to pounce upon us with it if we don't mind our p's and q's. He's got the heat up now and will have the heat down in winter, to make us sizzle now and shiver then, and why? To rub our noses in the offal: sacrifice. Does he think people won't buy fans and space heaters? Does he think the net savings in energy will be significant? Does he care? He *appears* to care, and to act, and to command; and he thinks that's enough. More's the pity; for many, it is.

—DB

The Baez-Fonda split

FOR THOSE OF US WHO were involved in the anti-war movement of the 1960s, one of the most important news developments of recent months has been the public split between two of the movement's leaders, Joan Baez and Jane Fonda. It all began in May, when Baez

purchased full page ads in our nation's largest and most influential newspapers and used the space to denounce the current government of Vietnam for its many flagrant and odious violations of human rights.

Baez signed the ad, along with a number of other prominent anti-war activists of the last decade. Fonda publicly refused to sign it, along with such other movement veterans as Daniel Ellsberg, Tom Hayden,

Dave Dellinger and William Kunstler. What makes all this so important is not the personalities involved (although it is undeniably entertaining to hear William Kunstler suggesting that Joan Baez is a CIA agent—it



reaffirms ones faith, ever strong, in Kunstler's capacity to make a fool of himself in absolutely any context), but what the incident tells us, if we're ready to listen, about the makeup of the anti-war movement.

During the '60s, it was common to refer to the anti-war movement as a left-wing movement. But the current feud between the forces of Baez and the (noticeably smaller) forces of Fonda proves that it was *not* in fact, a left-wing movement. If it had been, it would never have been possible to rally the overwhelming majority of its leaders and spokesmen and get them to denounce a left-wing government for its human rights violations. William Kunstler was mouthing the true left-wing line when he told reporters he didn't believe it was proper to criticize socialist countries, regardless of what they were doing. So was Clayton Riley, when he accused Baez in the *Village Voice* of harboring a "commitment to corporate exploitation," reducing "world considerations to a scholarly exercise distanced from the flesh-and-blood arena of real events," and "expecting the Vietnamese, in their logical, well-earned rage, to act as puppets to an abstract vision of nice boys

and girls in the obedience-training classroom. . . ."

But the majority of the war-resisters (like the majority of the "New Leftists") of the '60s were never leftists in any meaningful sense. They were individualists and libertarians who believed then and believe now that the liberty of the individual is all important, and that any violation of that liberty by any government is evil, whether that government calls itself fascist, socialist, communist, or democratic. Individual freedom for the Vietnamese people and for the Americans who were being taxed and drafted to make war on them—this is what the anti-war movement of the '60s was all about. The anti-war activists wanted to free the Vietnamese from the tyranny being forced upon them by the U.S. government, but they think no more highly of the same tyranny when it is forced upon the Vietnamese by their own countrymen. This is the meaning of the Joan Baez ad.

Of course, it is not the meaning Baez's opponents, most of whom *are* leftists, have seen in her open letter. Dave Dellinger has remarked, for example, that "the Baez charges make it easier to restore the draft and send U.S. military troops to the Middle East,

Africa, and other 'trouble spots.' " It is difficult to see how. As LR contributing editor Bill Birmingham argues in the editorial which follows, U.S. military intervention in Vietnam was not designed to free the Vietnamese people from the sort of tyranny Joan Baez has condemned, and it did not have the effect of freeing them from such tyranny. *U.S. military intervention was itself an instance of such tyranny.* That majority portion of the anti-war movement which has rallied around Joan Baez in her unequivocal denunciation of statist oppression has made itself fully clear: it is on the side of human rights and opposed to all—including conscription-happy militarists and interventionist foreign policy makers—who seek to violate them.

—JR

SEVERAL OF THE ANTI-war activists who refused to sign Joan Baez's "Open Letter" say that the letter is, in David Dellinger's words, "being used to strengthen the current campaign to justify the war retroactively" and to promote what Jane Fonda calls "[a] 'better dead than Red' philosophy." So it is, as any reader of the right-wing press can testify. But *does* it "justify the war"? Do the Hanoi regime's real or imagined crimes prove (as Patrick Buchanan would have it) "that the United States has never engaged in a more moral enterprise—to preserve human rights—than the military crusade to destroy the human slime that rules Indochina"?

Although American propaganda claimed that the Vietnam war was fought for the benefit of the Vietnamese (indeed, Ayn Rand's only criticism of the war was that it was "altruistic"), such sources as the Pentagon Papers tell quite a different story. Among themselves,

the "national security managers" spoke only of *real-politik*; of "containing Communism" and "preserving American credibility." In 1965, Defense Secretary MacNamara's aide, John McNaughton, ranked U.S. objectives in importance as follows (MacNamara agreeing): "To avoid a humiliating U.S. defeat," 70 percent; "To keep South Vietnamese territory from Chinese [!] hands," 20 percent. The welfare of the Vietnamese themselves provided but 10 percent of the reason for American involvement. Clearly, the Vietnam war was no more fought for the freedom of the Vietnamese than the American Civil War was fought to free the slaves.

The actual conduct of the war proved this. "What changed the character of the Vietnam war," says the late Bernard Fall (renowned Vietnam scholar and no "dove") "[was] the decision to wage unlimited aerial warfare inside the country at the price of literally pounding the place to bits." The U.S. dropped 4-million tons of bombs on Vietnam from 1965 to 1973, 90 percent of that on the South. "Saturation bombing by artillery and air-strikes," the State Department reported at the time, "is an accepted tactic, and there is probably no province [in South Vietnam] where this tactic has not been widely employed." Indeed, 65 percent of the tonnage of bombs and artillery rounds expended in 1966 were in the form of "unobserved strikes," defined as attacks on "places where the enemy *might* be." Small wonder then that John Paul Vann, chief American advisor in the central highlands, would say: "The B-52 strikes are turning the terrain into a moon landscape"—an often-used metaphor. "You can tell from the stench that the strikes have been effective . . . Bodies are everywhere."

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ABOUT DR. NATHANIEL BRANDEN

Nathaniel Branden is the author of *The Psychology of Self-Esteem*, *Breaking Free*, and *The Disowned Self*. He is in private practice in Los Angeles, is Executive Director of the Biocentric Institute, offers training to psychologists, psychiatrists and other mental health professionals, and conducts INTENSIVES in major cities throughout the United States.

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Reason Magazine,
Dr. Cheri Adrian

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All this was not lost on the American planners. Samuel P. Huntington, known to readers of the *Village Voice* as "Mad Dog" Huntington, wrote in *Foreign Affairs* that the Viet Cong was "a powerful force which cannot be dislodged from its constituency [the rural population] so long as the constituency continues to exist." One solution was "direct application of mechanical and conventional power"—i.e.: bombing—"on such a massive scale as to produce a massive migration from countryside to city"; which Huntington euphemistically called "forced-draft urbanization," and Nicholas Katzenbach called "stimulat[ing] a greater refugee flow." By 1968, mechanical and conventional power, assisted by crop destruction, defoliation by cancer-causing herbicides such as Agent Orange, and propaganda leaflets warning peasants to flee or "die in

suffering and horrible danger," had "stimulated" almost 4-million refugees; a figure which may have risen to 10-million by the end of the war.

In addition, there were atrocities committed by American ground troops, as documented by Bertrand Russell's tribunal, the Vietnam Veterans Against the War, Congressman Ronald Dellums's unofficial hearings and other sources. On the basis of his experience in Vietnam, *New York Times* correspondent R. W. Apple deemed the "mere gook rule . . . anything that moves and has a yellow skin is an enemy, unless there is incontrovertible evidence to the contrary" to be "official policy, a part of everyday life." Lt. Calley said the My Lai massacre was "no big thing," and he was right. The My Lai investigation, for example, turned up another massacre, with 90 civilian dead, at nearby My Khe. "Proceedings against

the officer in charge of the operation," notes Dr. Noam Chomsky, "were dismissed on the grounds that there had been no massacre, merely a normal operation in which a village was destroyed and its population forcibly relocated." And when the American 9th Division swept through Kien Hoa province in 1968, killing 11,000, including "at least" 5000 civilian noncombatants, General Creighton Abrams, commander of all American forces in Vietnam, declared: "The performance of this division has been magnificent." What price "human rights," Mr. Buchanan?

Total civilian casualties in the Vietnam war amounted to at least one million dead (the Southeast Asia Resource Center puts it at 1.7-million) and another two million maimed. So much for "justifying the war retroactively"! So much, as well, for the "better dead than Red" philosophy." As

Murray Rothbard has trenchantly noted:

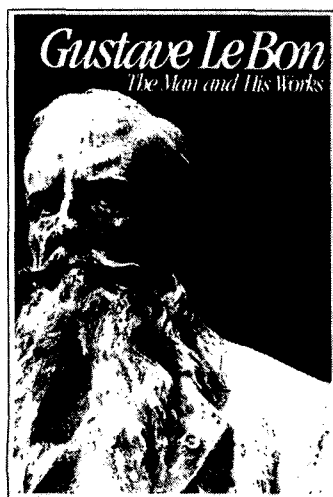
Anyone who wishes is entitled to make the personal decision of "Better dead than Red" or "Give me liberty or give me death." What he is *not* entitled to do is to make these decisions for others, as the prowar policy of conservatism would do [and did do for the Vietnamese]. What conservatives are really saying is: "Better *them* dead than Red," and "give me liberty or give *them* death"—which are the battle cries not of noble heroes but of mass murderers.

—one might even say "of human slime." Let us then denounce violations of human rights everywhere, even in Vietnam. And if the mass murderers: the MacNamaras, Huntingtons and Katzenbachs, the Westmorelands and Abramses, the Nixons and Kissingers, even *look* as if they are trying to justify their crimes thereby, let us ship them off to Hanoi to answer for them. Or better yet: swap them for the boat people.

—BB

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OPENING SHOTS

BILL BIRMINGHAM

A YEAR AND A half ago, when Israeli forces invaded southern Lebanon, an Israeli army officer whose identity is classified murdered four Arab civilians. The details of the murders have been placed under censorship. The officer, however, was convicted and sentenced in secret to 12 years imprisonment by a military court, then a military court of appeals secretly reduced the sentence to eight years. In June, Israeli chief of staff Rafael Eitan reduced the murderer's sentence to just two years, including the 15 months already served, then directed the office of the military censor to suppress the fact. ("The criterion for publication," General Eitan told a gathering of Israeli

newspaper editors last year, "should be how it will be accepted by the Arabs." One doubts that they would have accepted this with good grace.) But within a month opposition members of the Knesset got wind of the affair and forced a vote of no confidence (which they lost; 54 to 4, with 25 abstentions). According to the *Washington Post*, Knesset member Meir Pail said that Eitan should have let the sentence stand so that "everyone in the Israeli defense forces would know that this kind of behavior, murdering people of the enemy [sic] but not soldiers . . . is from the Israeli moral point of view a horrible thing." That is certainly something they need to know, especially General Eitan's predecessor, General Mordecai Gur. Gur drew no distinction between civilian and military targets during the invasion of Lebanon: "What distinction? What did the residents of Irbid [Jordan] do when I shelled them [just after the 1967 war]? Do you not know that all of the Jordan Valley was vacated during the war of attrition [1967 to 1970]? I do not have a selective memory. Did we not create a million and a half refugees along the canal? We shelled Ismailia, Suez, Port Said and Port Fuad. In what way is the population of Southern Lebanon such a righteous group?" The quotation is from an interview Gur gave to the Israeli paper *Al-Hamishmar* (by way of the May 12, 1978, issue of *Ha'aretz* and the newsletter

Israeleft). Eitan did not censor his former boss, even though he spoke almost a month after Eitan set forth his "criterion".

Some of the doctors who have fled Canada's system of socialized medicine have been replaced by some pretty strange characters. Writing in the *American Spectator* (July 1979), Canadian journalist F. S. Manor tells of two immigrant "doctors" who "incorrectly identified a body found in the lower left quadrant of her [the patient's] abdomen and excised this believing it to be an ovarian cyst." The "cyst" was actually the patient's only functional kidney. "The unfortunate woman," notes Manor, "was awarded \$300,000 in damages, an amount that will not provide for the nursing care she will need for the rest of her life. But then the operation was 'free'."

And preliminary census figures from another bastion of "free" medical care, the Soviet Union, show that the Soviet population has increased by just 8.6 percent since 1970, barely two-thirds of what Soviet demographers had projected. There seem to be two factors involved: the infant mortality rate is rising, and the male life span continues to fall—which Murray Feshbach, an American expert on Soviet population problems, attributes to alco-

holism. Interestingly, a disproportionate amount of the population increase comes from the non-European population. This may have something to do with the fact that they mostly live in Soviet Central Asia and similar backwaters, and probably get less "free" medicine than their richer, less fortunate compatriots.

"Commerce Secretary Juanita Kreps," reports the *New York Times*, "disconcerts some high officials in her department when she welcomes them to staff meetings by presenting her cheek for them to kiss." It's probably just that they're used to kissing a woman on the cheek of her face.

Seriously, though, we all know that our public officials are all sober and thoughtful men and women, whose positions are arrived at only after the most painstaking deliberation and research. Like Senator Mark Hatfield of Oregon, who joined with 77 fellow Senators (and 289 members of the House) in sponsoring a bill to exempt the soft-drink industry from the anti-trust laws in their system of exclusive-bottler franchises. (Such exemption, by the way, would not be such a bad idea.) Jack Anderson's column asked one of Hatfield's aides why the Senator was cosponsoring the bill and was told: "Frankly, we don't know much about the bill, but it already had a lot of cosponsors and it seemed like a good way to mend some fences."

On June 11, the Senate Armed Services Committee voted 12 to 5 to support Senate Bill 109, which would reinstitute registration for the draft. Voting by proxy to support the bill was . . . yes! Senator Barry

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Draft Resister

"Extremism in defense of liberty is no vice" Goldwater; whose quondam opposition to the draft some ten years ago is still the chief prop for the fiction that the right wing has any greater devotion to human liberty than did Genghis Khan. Goldwater's apostasy should put the boots to that fiction once and for all (in a similar vein, the letters column of *New Guard*, organ of the grossly misnamed Young Americans for Freedom, is already silting up with denunciations of the "anarchists"—that's us, folks!—who dare oppose the rebirth of Selective Slavery), even among those innocents who still don't understand that the stuff about extremism and liberty was put in Barry's mouth by the "anarchist" Karl Hess. Too bad Karl could only write the Senator's speeches, not cast his votes.

Do you know who Patricia Wald is? She is Jimmy Carter's nominee to the Circuit Court of the District of Columbia, and "just about the most fanatical and dangerous enemy of the American family now above ground"; an accolade education columnist Max Rafferty be-

stowed on her for her views on "so-called 'children's rights'." Sniff for the "Orwellian stench" Rafferty detects in these quotations from Ms. Wald: "... the right of a very young child to be consulted and informed about critical decisions in his life, and his right to be represented in those decisions, can no longer be summarily dismissed. . ."; "a youth ought to be able to seek legal advice or help to redress his grievances against family, school or others who adversely affect him"; "An adolescent youth ought also to be able to seek medical or psychiatric care on his own"; "age should no longer be a bar to retaining and using one's own money [very Orwellian, what?], and making valid purchases and contracts"; and worst of all, "communities should have runaway shelters . . . for children under 16, to which they can voluntarily come . . . if they do not want to go back home. Parents would have no right to forcibly take their children away from such homes." Such "fanaticism"! "Let a mere fraction of her beliefs be translated into law," rants Rafferty, and "whim and tantrum would ride high in the saddle." You or I



Draft Restorer

might not carry on so, but Rafferty is the fellow who declared: "Children don't belong to the state. They don't belong to us educators. They belong to their parents and to nobody else." Not even, as libertarians believe, to themselves? Ah; but if Max believed that, he wouldn't talk about "so-called 'children's rights'."

The Seventies explained: "On the night of Sept. 30, 1970, I was asleep in the home of my brother-in-law 10 miles southwest of Springfield, Mo., when I was jarred awake by a tremendous explosion. . . . The next morning I learned that a striking truck driver had shot at a tractor-trailer rig that was carrying 42,000 pounds of dynamite on Highway I-44, 10 miles west of Springfield. The resulting explosion caused the rig to disintegrate, instantly killing the driver, John Galt, and digging a crater 30 feet deep into the highway. All that was ever found of the ill-fated Galt were a few fragments of bone and flesh and a portion of one foot that was encased in a shoe. He left a widow and small children." (William L. Roper, "Violence by the Truckers Is

No Answer," *Los Angeles Times*, July 3, 1979.) (cc: Mrs. Frank O'Connor.)

Los Angeles mayor Tom Bradley recently went to China bearing gifts—14 turtles and 37 snakes. "Beijing's zoo has a shortage of reptiles native to America," the mayor's office explained to a local paper. "You're not going to say something funny about this, are you?" We wouldn't dream of it.

After only 187 years, the US Postal Service is proposing a limited relaxation of the private express statutes, which give the government a monopoly over letter carrying. Do not think, however, that you will soon have a cheaper, more efficient alternative to the US Snail. The proposed new regulations would require that private carriers be able to deliver a letter postmarked by noon within six hours, for addresses closer than fifty miles, or within twelve hours for any greater distance—and restrict themselves to mailers who can prove that they must have such fast delivery. If you can't do that, one other kind of private carrier will be permitted. They will be allowed to carry anybody's letters; just so long as they charge at least \$3.00 a letter, or twice the USPS first-class postage, whichever is more.

The Supreme Court has rejected Mad Murray O'Hair's petition to strike the words "In God We Trust" from the nation's coins and currency, letting stand a lower court's ruling that the motto is not a violation of the separation of church and state, but is "merely ceremonial in nature." Certainly there's no reason to believe that the other slogan on US coins—"Liberty"—is anything but "merely ceremonial." □

LETTERS TO THE EDITOR

Friedman *fls* on Chicago

TWO POINTS ARE MADE in David Theroux's review of my book *The Machinery of Freedom* with which I entirely agree—that Murray Rothbard and I approach libertarian anarchy in very different ways, and that David Theroux agrees with Rothbard. An unfortunate result of the latter is that Theroux, in trying to fit my views into the Rothbardian caricature of what the "Chicago School" believes, seriously misinterprets them. Obviously, I cannot explain my entire position in the space of a letter; if I could I would not have bothered to write a book. Hence, the principal purpose of this letter is to suggest to your readers that they read my book before judging it. In addition, I would like to discuss a few of Theroux's specific points.

It is true that George Stigler, who is a prominent member of the Chicago school, sometimes makes arguments which come very close to claiming that whatever is must be optimal. In taking this position he disagrees with almost everyone else associated with that school of thought, myself included. I found it interesting, by the way, to notice the gradual transition by which Theroux, in the space of one column moved from "Stigler" believes (true) to "The



David Friedman

Chicagoan" believes (true only if it means Stigler) to "The Chicagoan economist as a Chicagoan economist" believes to "Friedman" believes (certainly false). If Mr. Theroux really wants to play guilt by association, I suggest that he take a close look at page 282 of the 1963 edition of *Human Action*, where Ludwig von Mises, Rothbard's mentor and the fountainhead of Austrian economics, wrote that "He who in our age opposes armaments and conscription is, perhaps unbeknown to himself, an abettor of those aiming at the enslavement of all." Mises was, as Stigler is, a very fine economist, but it is not necessary for those of us who admire either of them to agree with them on everything.

So far as my discussion of the optimal size of nation-states, I made it very clear in that article that what was being "optimized" was the amount of taxes governments succeeded in squeez-

ing out of their subjects—optimized from the standpoint of the government, not the subjects. I do not regard that as a desirable way for nations to behave, but I do regard it as a plausible (and incidentally libertarian) conjecture about how they *do* behave.

Theroux complains that "the Chicagoan economist as a Chicagoan economist is not moved to abolish government programs. Instead, he desires to make government more 'efficient.' And, the difference between our society and any more libertarian society is merely the degree of efficiency of each individual firm (government included)." There are several mistakes here. To begin with, the Chicagoan economist as a Chicagoan economist is not "moved" to do anything. Economics is (from my perspective, and I think that of others associated with Chicago) a positive science, which attempts to determine what consequences will follow from particular acts and institutions—for instance, whether a minimum wage law will make unskilled workers unemployed. The Chicagoan economist as a human being can then evaluate the consequences to decide whether he does or does not approve of them—but he does not claim any special professional expertise in doing so, and his disagreement with someone who disagrees with the evaluation (rather than the analysis) is a disagreement about ethics, not eco-

nomics. From this perspective it is entirely proper to treat government "like a firm," that is to say, to analyse government, as we analyse firms and marketplaces, on the assumption that the individuals concerned (politicians, voters, lobbyists, taxpayers, etc.) are all rationally pursuing their individual interests. The conclusion of that analysis seems to be that for firms to behave in that way generally produces desirable results, and for government to do so generally does not—desirable, in both cases, in terms not only of my values but of the values held by most of the people I have met. That is why economists associated with Chicago tend to be in favor of (at least) drastically reducing the size of government.

As to the difference between our society and a more libertarian society being "merely" one of efficiency, Theroux either misunderstands or drastically oversimplifies my argument. I believe that liberty is efficient—that is to say that people will be better off, happier, in a libertarian society. That is one of the reasons I am in favor of such a society, although not the only reason. The connection between that belief and the analysis in my book is that I show, or attempt to show, that an anarcho-capitalist society will generate efficient law (for the same sorts of reasons that free markets in general lead to efficient outcomes); since I believe that liberty is efficient (explaining exactly what that proposition means and what its limitations are would require a very lengthy discussion) I conclude that an anarcho-capitalist society will enforce libertarian law. My approach thus differs from that of both Rand and Rothbard, each of whom seems to implicitly assume that first we turn two hundred million people into libertarian philosophers,

and *then* we get libertarian law—rather as if we had to have a nation of engineers in order to produce good cars.

Theroux, in explaining and defending Rothbard's approach, writes that "all private defense agencies could only be defined as such and allowed to operate so long as they adhered to the libertarian Rule of Law. All others would be outlaws subject to direct criminal prosecution." But in the absence of a state (or a God) to enforce the Rule of Law, who is "allowing" agencies to operate? After Rothbard informs a criminal agency that it is not "defined as" a private defense agency, does it thereupon instantly shrivel up and go away? Theroux (and Rothbard) are here making precisely the same logical mistake as the simple minded socialist who says that socialism is defined as a society where all resources are justly, rationally and efficiently allocated for the good of everyone; he is defining an outcome, rather than showing that the particular set of institutions which he supports will lead to that outcome. It is the latter which I try to do—to show that under anarcho-capitalism protective agencies will (almost always) act justly—in Rothbard's terms, adhere to the libertarian Rule of Law — not because all the libertarian lawyers, judges, and philosophers get together and tell them to but because they find that they lose money if they don't. Theroux objects that "Friedman can discuss whether a 'stateless' society can be libertarian." Proving one's conclusions instead of assuming them (or hiding them in your definition) apparently offends Theroux's taste in methodological purity.

Theroux says of my position that "He even opts for taxes in general as long as it is the U.S. government doing the collecting and not the Soviet Union." What I actu-

ally said (pp. 196-197) was that so long as the only choice I had was whether to pay taxes to Washington or Moscow (i.e. until one had some defense against foreign governments which was not, like our present defense establishment, itself supported by taxes—the bulk of the chapter is devoted to discussing how that might be done) "I would rather pay them to Washington than to Moscow—the rates are lower."

On the subject of Public Goods, Theroux is, I am afraid, a true disciple of Rothbard in trying to misunderstand the problem in order to avoid having to think about it. There is nothing in either my definition of Public Goods or the general literature on them which is inconsistent with the proposition that goods are consumed by individuals, not by publics. The defining characteristic of a public good (in my book—there is a range of related definitions in the literature) is that the producer cannot control who gets it (not—to avoid more wilful misunderstanding—that he should not control who gets it, or that it is immoral for him to control who gets it, but that it is either impossible or extremely costly for him to control who gets it). That characteristic creates serious, although not necessarily insuperable, difficulties for providing such goods through the normal mechanisms of the marketplace; radio and television broadcasts are good examples of pure public goods which are in fact produced privately. It has long been my opinion that the proper libertarian approach to the public good problem is not to pretend it isn't there in the hope that it will go away, but to point out first, that there are (imperfect) ways of producing public goods privately, and second that the public good problem presents much more serious problems for

the efficient working of political systems than for the efficient working of free markets, and is thus, properly understood, more of an argument for the libertarian position than against it.

Theroux describes my chapter on the non-existence of the ruling class as "disingenuous"—I presume because he believes (correctly) that it was intended as an attack on the position that government is simply a successful plot by one set of people to make themselves better off at the expense of another set of people. He does not, however, bother to give any arguments against my position. It has long seemed to me peculiar that libertarians such as Theroux (and Rothbard, with his talk about "net tax beneficiaries") are unwilling to recognize that government imposes very large *net* costs (airplanes flying half empty because of regulation, for example)—so large that, combined with an extensive and incoherent system of transfers, they make practically everyone (save perhaps the tax lawyers) worse off.

One further question which Theroux (along with others of my critics) raises deserves more discussion than I can give it here—the relation between economics and ethics. My own position is that ethics is an interesting and important subject, but one about which we know less—in particular less that is relevant to libertarianism—than we know about economics. More precisely, I believe that a strong economic case for a libertarian society can be made in terms of any of a range of normative starting points—a range broad enough to cover the views of most real people. I do not think that an equally strong case can be made for the particular normative beliefs which I hold. That position—on the relative backwardness, at present, of ethics in comparison to economics—is one with

which I believe Robert Nozick, the libertarian philosopher for whom I have the highest regard, would agree. Even if I am wrong and libertarianism can be defended as well on ethical grounds as economic ones, I am quite sure that I am not as competent to do the latter as the former, and I do, as an economist, believe in the principle of division of labor.

DAVID D. FRIEDMAN
Virginia Polytechnic
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David J. Theroux replies:



David J. Theroux

IN HIS RESPONSE TO my review, David Friedman has somewhat qualified the position taken in his book, *The Machinery of Freedom*. But despite such improvements, he apparently still clings to his utilitarian, "neo-classical" economic shortcomings, neglecting many important ethical and "Austrian" economic insights.

As I made clear, Friedman's book is a good and useful one which serves us well in providing many arguments for market alternatives to government. The fundamental problem with the book is that it fails to *justify* a libertarian society. In my review, I showed that without a theory of individual property rights, Friedman's economic analyses

would necessarily be limited to whatever system of property entitlements he first assumes. Since any political system including slavery, welfare-warfare statism, or totalitarianism can be defined in terms of "property rights," even when one group of individuals or firms "owns" the others as property and utilizes them accordingly, Friedman's approach could "justify" any such system.

In addition, Friedman's treatment of governments as

mere "firms" acting in concert with private firms on the market merely serves to *confuse* the distinction between statism and free trade, not clarify it. How an organization acquires its resources is central to any scientific, economic study of political systems. This key criterion reveals the efficient character of the organization in question, and whether it can enhance human welfare. In adhering to Chicago doctrine here, Friedman exhibits his lack

of rigor in methodological individualism. In addition, he reinforces my claim that this definition of "anarchy" could apply to any and all political systems. In fact he has merely retermed a world-view that all Chicagoans hold—that we already live in a state of "anarchy" in which governments are only generally less efficient optimizers of their respective "property" easements.

To his great credit, Professor Stigler, who *does* base

his entire ideology on purely "Chicagoan" economics ("neoclassical" static comparisons of equilibrium), recognizes that such an approach *can only* logically lead to his view that "whatever social state exists, it is optimal." I did not claim that Friedman or most individuals who utilize aspects of Chicagoan economics (myself included) agree with this position, only that it clarifies the problem with Friedman's attempts to defend libertarianism from such a perspective. Most members of the Chicago School, including David's distinguished father, Milton Friedman, incorporate other (generally classical liberal) considerations into their policy recommendations. The point here, one that Friedman mentions in his response, is that economics alone cannot "prove" whether freedom is desirable or not...

Friedman is correct in claiming that an economic case for freedom is more developed than other disciplines. But the strength of such a case results partly from a previous conception of what freedom is. This economic case is made after investigating the cause-and-effect of economic behavior in a libertarian system compared with other political systems. In his book, Friedman claims to do the reverse. But if no theory of liberty exists, what would Friedman compare his analyses to? He must possess a theory of property rights prior to his ability to make any comparison of systems.

As for the Rule of Law, no society can exist without a tradition of what behavior should and should not be tolerated. In fact society itself could be defined as such a common view. Modern American economic and political institutions only exist today to the extent that a critical mass of the populace accepts them as legitimate. As society changes, this cul-

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tural commonweal adjusts accordingly. As a result, the prospects for a libertarian society rest on the ability of libertarian ideas to become more pervasive in society compared with competing social theories. As more and more people recognize that government is actually the source of their economic and political problems, as they perceive government to be merely *legal* crime, and as they act to eliminate this anti-social element (already done with all "private" crime), libertarian alternatives will become more feasible.

Opposition to statism will mount in proportion to this cultural change, resulting in pressure to cut back on taxes and other government restraints, and support for non-coercive institutions. At some point, a critical mass of the populace will opt for outright opposition to any continued controls just as they have always done with common criminal activity.

Today, any non-governmental criminal organization is considered illegitimate by the bulk of the populace. This judgment is made on the basis of the cultural view that acts of murder, rape, theft, and fraud are unacceptable. As government institutions are increasingly perceived in the same light, they too will be considered illegitimate. The source of this conception is rooted in society itself and not dependent on government institutions. (If anything, such institutions act counter to it.) Hence, those "agencies" considered "out-laws" would be labelled such by the same people who label any private criminal today! Differences of opinion will exist and will be the source of business for arbitration courts, just as they are today.

The point is that the Rule of Law is not only central to the very idea of libertarianism as a consistent code of individual rights, but is a

central feature of society itself. Government institutions have served merely to corrupt it.

Friedman's use of the concept, "public goods," rests upon his acceptance of the theory of externalities. I fully agree with him that the direct costs and benefits derived from any activity will not be fully born by those involved unless property titles are clearly defined. However, Friedman also believes that externalities can exist in many other instances. He fails to understand that value, being subjective, springs solely from *individual* perceptions of how resources might be beneficial. There is no way to objectively calculate the effects of the use of radio frequencies, air space, or miniskirts (Stigler's favorite example) on those witnessing their use. Yes indeed, such use does affect the subjective values of others. But this is true of all human action and is not an element unique to those items Friedman classifies as "public goods." If we recognize that society is a *process*, we see that the resulting constant state of change in individual valuations is "efficient" to the individuals involved. The effects such changes have will vary from individual to individual since they only exist in the minds of those involved. No one's free use of his property has been impaired or coerced. Hence, no externalities are definable in any real sense. However, if a producer cannot control his operation and invades the property of others, a definable, measurable externality in the only meaningful sense exists. Such an externality should be internalized by either stopping such production or by altering the process so as to insure these production costs and benefits are fully borne by the producer.

Finally, Friedman claims that the existence of a "rul-

ing class" is pure nonsense. In Adam Smith's masterful work, *The Wealth of Nations*, he not only shows that government acts to protect vested interests from market pressures, but demonstrates that these interests are the most vigorous supporters of such laws.

It is no accident that historically, such regulations have virtually without exception been implemented at the request of such interests. These interests have the most to gain from such laws, and the most to lose from their repeal. Apparently, Friedman does not understand that from the perspective of such interests, they can only see the benefits derived from their existing cartelized position of privilege. To them, an unregulated market means an uncertain future of unbridled competition—a future in which they might lose out. The costs to a firm of constantly having to adjust to market competition are considerable. And to the firm, the suggestion that greater revenues *might* result from deregulation is mere speculation, especially if it recognizes the inefficiencies of its operations as a government-sanctioned monopoly...

Empirically, we *can* learn who benefits and who loses from government programs. As with Smith's mercantilist England, the modern welfare state consists of a rivalry between those who produce and those who exploit this production through government regulations, taxes, etc. The benefits to Lockheed, the trucking industry, the Urban League, and the World Bank (to name a few) are fully definable, and such interests in part do form a clear class of rulers.

I congratulate David on calling for a multidisciplinary approach to the study and advancement of liberty. I for one have enjoyed his book. I only hope that his next one will attempt to in-

corporate the many important developments that have occurred in libertarian thought since *Machinery's* first edition. Unfortunately, the second edition does not.



The LR Draft issue: praise, and a correction

I THINK YOUR APRIL number is perfect! Every page devoted to the right subject; with the right answer. By copy of this letter, I'm asking the Libertarian Party National Committee to take the lead in organizing a massive, overwhelming campaign against the Draft. As one born in 1901, I realize only too well that this will bear most heavily upon the young and innocent. Nevertheless, if Liberty is to survive, it must be advanced in every age. And that time, if ever, is now!

JOHN E. ERB
Northville, New York

SOMEONE SHOULD TELL your researchers that Daniel Webster did not represent New Hampshire in the U.S. Senate in the 1840's, or any other time; he was Senator from Massachusetts. (He was a resident of Massachusetts from 1816 on.)

JOHN T. HARLLEE
Florence, South Carolina

THE MOVEMENT

Reform or revolution?

MILTON MUELLER

NEVER LET IT BE said that I do not keep my promises. Here, at long last, is a discussion of the problem of elected Libertarians — a problem that raises fundamental questions about Libertarian goals and strategies for social change. The problem, as I first outlined it in the December issue of LR, was this: "I have not talked to a single Libertarian who has any idea what to do after being elected . . . In five or ten years, Libertarians could hold a number of elective offices around the country. How will Libertarians handle political power? How will it handle them?" Since posing these questions, LR has received responses from several readers.

One response

which I expected—and got—was that there is no "problem." Libertarians know exactly what to do when in office; it's all written down in the platform. All they have to do is vote *for* actions which reduce the power of government and vote *against* bills that will increase it. One correspondent in particular seemed enraged at my suggestion that Libertarians didn't know what to do after being elected. Libertarian positions are clearly outlined in the platform, and "if they don't know what to do," the man thundered, "they're *pinheads*, not Libertarians."

Ah, the libertarian movement: it is so blissfully young—and irresponsible. By "irresponsible" I mean that libertarians, having never been in much of a position where their ideas and actions have a strong effect on the real world, rarely understand how difficult it is to accomplish political change—especially radical political change. State power is seen as static and mechanical, like a brick wall, and ending it is simply a matter of taking it apart, brick by brick. That is, our elected officials vote for all the good bills that come along while voting against all the bad ones. And if a vote is lost, why, you simply "educate" more people until the vote is won.

The poverty of this as an electoral strategy should be made clear from the beginning.

Ironically, libertarians' abysmally mechanistic concept of electoral change is in

sharp contrast to the sophisticated theories of human action developed by our own favorite economists. Austrian theorists have shown that market competition is not a simple matter of cutting costs and that entrepreneurial action is not mechanistic and quantitative. But neither is political action a simple matter of adding up votes.

In economics, the entrepreneur is essentially creative: someone who notices entirely new opportunities for buying low and selling high—opportunities brought forth by the dynamic forces of the market. The central focus of an entrepreneur's action is a perceived *gap* between the price he thinks he can get for a product he can imagine, and the price of the resources required to make it.

Now let's shift our attention to politics. Like the market, the interventionist economy is not static, but is a constantly changing amalgam of different groups and individuals pursuing their perceived interests. This system is neither free nor just, but it is still built on human action. It is possible, then, for an elected politician to act "entrepreneurially" with respect to political conditions.

Once this is understood it becomes clear that voting on bills is not the most important way in which politicians effect change. Politicians bring about change by *inventing* legislative "products" which maximize their political profit. Politicians act on the basis of an "en-

trepreneurial gap" between the objective and subjective conditions of society.

On an issue such as unemployment, for example, a socialist politician will respond to mounting discontent with a political "product" like the Humphrey-Hawkins bill, which addresses the concerns of the people while maximizing state control of the economy to the greatest extent. A libertarian politician will respond to the same "gap" with a different product—say, tax cuts and repeal of the minimum wage. The issue here is not the silly and mechanical one of who has the most votes, the libertarian or the socialist, but the action-oriented one of who is the better political entrepreneur. Who is the better judge of the real concerns of the people? Who can come up with a credible program that promises to address those concerns?

This concept of "entrepreneurial action" in the political arena seems to be a missing link in all the discussion of elected Libertarians. Not too long ago, for example, a Libertarian was elected to the City Council in the small town of Circleville, Ohio. When I inquired into how this person was faring, I learned that she had to spend a lot of time agonizing over how to vote on the matters that came before the City Council. I say "agonizing" because that is precisely what a libertarian has to do if put in the position of deciding the *diameter of pipes in the City's water system* (which is only one of many examples of the kind of absurd decisions made by a Circleville City Council member). There are two lessons to be drawn here. The first is that Libertarians in public office must not sit back and passively wait for issues to be served up to them like breakfast in bed. We will not turn things around by "voting right" on

questions posed by the state, but by actively changing the questions that are posed to legislators. Second, and more importantly, to vote on such matters as pipe diameters, whether for or against, means to accept the legitimacy of state control over them, which libertarians should not do. There is a real danger that elected Libertarians can be lulled into a political careerism, in which they take pride in cutting corners and trimming pennies off the budget while the fundamental basis of state or local power goes unchallenged. We *don't* want elected Libertarians to become efficiency experts for statism. They should seek out, in entrepreneurial fashion, issues with which they can clobber the state.

The legislative program of Dick Randolph deserves special commendation here. He has proposed bills for education tax credits, tax cuts, a resolution to defy the federal theft of Alaska lands, and many other proposals. Whether these bills pass or not, Randolph has used his public office to take the lead on important and popular issues in his state. His motivation, I hope, is not to write "good legislation" or to propose legislation with a good chance of passing, but rather to *use the legislative process to build support for the libertarian movement*. This distinction might sound strange to many people. Isn't the actual passage of "good laws"—laws that dismantle bureaucracy and reduce state power—what the Libertarian Party is all about? Don't Libertarians in office have a great opportunity to pass laws that make things (as one Republican who thinks he is a libertarian puts it) "just a little bit freer"? The problem is that there is often a trade-off between being an "effective legislator" and building public support.

An LP office-holder may well make things "freer"

today by carefully drafting a piece of legislation that actually has a chance of passage. No one is suggesting that elected Libertarians should shun opportunities to pass bills or influence legislation. But they must be very careful not to stray from the goal of building mass public support in order to engage in horse trading, parliamentary maneuvering and the cultivation of good personal relations with other Representatives—the kind of activity that gets bills passed. By taking strong positions and by making proposals that are *symbolic* as well as practical, the LP officer holder can lead public opinion and make things a lot freer *tomorrow* than they could ever be today. Randolph's resolution to defy the federal government is an example: it is irrelevant whether the thing had "teeth" or a good chance of passing. The point was to make legislative action a focal point for public rage. In the end, we will not change society by passing laws in government; we will only change government by mobilizing the support of society.

Still, the idea that elected Libertarians will grab the levers of power and use them in the "right" way runs deeply through our thinking on the problem of Libertarian elected officials. Charles Olson, a student at Stanford University, wrote a long and thoughtful reply to my initial column proposing "two distinct phases of libertarian involvement in American politics: 1) the elected Libertarians will be a small but vocal minority in the political arena; 2) Libertarians will dominate the political arena and will legislate the orderly dismantling of the state." This is as succinct a statement as we are likely to find of how most libertarians view the purpose of the LP. As we shall see, there are a number of problems with this view. But

for now, the key question is what that "small but vocal" Libertarian minority *does* to propel us from phase one to phase two? Olson answers that the elected Libertarian's "voice in the political arena could have a large effect on the other legislators and on how they vote." How? "The elected Libertarian," says Olson, "would insist on interjecting the Libertarian viewpoint on all legislation being considered, ruthlessly pointing out the special interest groups that will unjustly benefit and how the general public will lose . . ."

Arousing the public

A similar sentiment is expressed in a response from Ross Levatter, at the University of Cincinnati—though his analysis contains an important difference. Levatter suggests that we "use the media to build up libertarians and desanctify statist . . . by strongly researched *muckraking*." A news conference in which "Libertarian Congresspersons denounced their fellow members for voting a hike in milk price supports because the Dairy industry had given \$X to Senator Y and Representatives Z, or for voting a tariff against Japanese steel because U.S. Steel lined so-and-so's pocket . . ." would outrage the public and build support for us. The difference between what Levatter suggests and what Olson suggests underlines a point made earlier: it is not the *other legislators* that elected Libertarians ought to try to influence, but the public. For the most part, legislators already know which special interest groups benefit from their actions; in most cases, they propose new laws *precisely because* it would benefit a certain interest. It is not ignorance of Austrian economics that causes a Congresscritter to vote for tariffs on Japanese steel, and no amount of "education" is



Libertarian legislator Dick Randolph of Alaska

going to change his vote. Politicians are not affected by rational argument so much as by external pressure and public outrage. Therefore, elected Libertarians ought to use their office to arouse and sway the public. If they do this successfully, their fellow representatives will follow suit.

Olson's article also reflects a belief that a libertarian society itself will come through the electoral process. As he sees it, Libertarians will dismantle the state through a "well thought-out sequence of events which will take the minimum amount of time to smoothly make the transition to a libertarian society." This is an assumption that is widespread, and deserves more critical attention. It has found its most sweeping and dramatic articulation in a December *Frontlines* article by long time libertarian activist Dave Nolan. In a ditty called "Looking Back from '88: How the LP Made History," Nolan projects a long sequence of events starting in 1978 that would lead to the victory of the Libertarian presidential candidate in 1988. Though optimistic, his scenario is not terribly unreasonable if you accept certain underlying assumptions.

As Nolan sees it, a disastrous Reagan-Schlaflly ticket loses to Carter in 1980; the LP ticket receives 7 percent of the popular vote while

electing 30 people to various state legislatures. In 1982, against a backdrop of rising inflation, an energy crisis, and the screening of *Atlas Shrugged* (yes, really) 14 Libertarians are elected to Congress while the number of LP candidates elected to state office soars past 100. In 1984, with Republicans, Democrats and Libertarians "vying with one another in their promises to dismantle the monster Carter and his predecessors had created," the LP gets 22 percent, Democrat Edward Kennedy gets 31 percent, and Republican Howard Baker is elected with 44 percent. Meanwhile, Libertarians have surged to 38 seats in Congress and 2 in the Senate, while electing 5 Governors and 1,000 State Legislators. Then, in 1988, with the Democrats abandoned by "all but a hard core of social-welfarist voters," with "public enthusiasm for the Baker administration lukewarm at best," and with the threat of intervention in a new Mid-east war clouding the horizon, a Libertarian Party Presidential candidate is elected by a slim plurality. One may well be prompted to ask, *what then?* A Libertarian President, especially one that won by a slim plurality, could harm the advance of libertarianism as much as it helped. Indeed, the entire article is long on descriptions of progress, as if it were automatic, and short on ideas for what Libertarians *do* in office to produce this progress. Nevertheless, Nolan ends with a flourish: "As darkness settled, the people of the United States went home to await the outcome of their votes. The results are history."

A Libertarian President—it seems to imply that the millenium is at hand. Backed up by a Congress full of other correctly-voting Libertarians, the state will be dismantled. But let us look closely at the backstage

props behind this scenario; a number of important questions are left unanswered.

First, if there are enough radical libertarians around to elect not only thousands of state legislators, but a *consistently* libertarian President as well, then why are libertarians fooling around with elections at all? If there are *that* many real libertarians around—enough to run for the offices, canvass the neighborhoods, lick the envelopes, etc.—couldn't they simply refuse to pay their taxes, refuse to submit to regulations, and otherwise dismantle the state *directly*? If as little as 5 percent of the population were hard-core enough to not cooperate with the IRS, wouldn't the state's legitimacy be destroyed?

Another problem: hasn't the push and pull of class conflict been totally overlooked? Listening to Nolan, Olson and many other libertarians, one gets the impression that growth of libertarianism will spark no reaction at all. The bureaucrats, the privileged unions and businesses, the military-industrial power elite, will just stand by like good sports and watch their livelihoods threatened, their privileges smashed, their power destroyed by the smooth and incremental growth of libertarianism. They will not coalesce and counter-attack, they will not act to co-opt, cancel or corrupt our goals.

This is nonsense. Libertarianism will advance only up to a point before it sparks a strong reaction, and possibly severe repression. Socialist radicalism, for example, was co-opted by a welfare system that preserved established elites while addressing the concerns on which socialists had built their movement. We can expect the same.

Both these questions begin to sink into the bedrock of an absolutely crucial issue: once radical libertari-

anism (and there is really no other kind) gains broad popular support, how realistic is it to assume that its momentum will be channeled through parliamentary means?

This is not intended as an attack on the Libertarian Party. Under today's circumstances, a political party is the most important method we have of pressuring the status quo. All the think tanks and magazines, all the successes of Students for a Libertarian Society and single-issue libertarian groups, would be literally defanged if there were not a political party around to consolidate their gains. The threat of elected Libertarians and lost votes hits the power structure and the politicians where they live, and it hits them in the only way that can make them pay attention. But I think that Libertarian elected officials—indeed, the Libertarian Party itself—can only be effective so long as they fulfill this "outsider" role. When Libertarians start getting elected *en masse* we must, I believe, shift to a more radical tactic or else we will be co-opted and corrupted.

Let's face it, the Jerry Browns of the world are not going to sit back and watch libertarians win elections without scrambling in our direction. The voters will be offered a diluted program that steals the rhetoric of libertarianism without threatening the status quo. Libertarians themselves will come to view parliamentary reform as being "enough" to accomplish their goals. This is what happened to the socialist movement in Western Europe near the turn of the century: socialists in the German Reichstag and in France no longer viewed parliamentary tactics as part of a popular struggle against "capitalism," but as a means of winning legislative reforms and advancing their own careers. In the United



GOP Congressman Ron Paul of Texas

States these socialist reformers were called "sewer socialists" after their penchant for reforming municipal sewer systems. In the libertarian movement . . . well, we are already beset by Fire Department libertarians and garbage-collection libertarians, and the problem will only get worse when we start getting elected regularly.

But perhaps "corrupted" isn't quite the right word; it conjures up images of bribes and payoffs and smoke-filled rooms. That is not my concern here, although that, too, could be a serious problem. What *does* worry me is that no matter how successfully the broad libertarian movement manages to "educate" the population, the mere existence of government power *creates* strong, anti-libertarian political pressures—pressures which limit what elected Libertarians can accomplish. The mere fact, for example, that government has the power to transfer wealth—and has done so in a big way for the past 50 years—assures us that there will be strong political demands that it continue to do so. The mere fact that government has the power to regulate oil prices and has done so for years assures us that whenever someone is irritated with the oil companies or with price increases, the threat of price controls will be foremost in

his mind. No matter how consistent and sincere they are, elected Libertarians will find that the very democratic system that gives them a mandate to roll back the state also pressures them to continue it in some places and even to expand it in some other places.

If political pressures will prevent Libertarians from going all the way and dismantling the state, then they will have to make decisions about *which* areas they can dismantle and which areas they do not want to risk their necks attacking. This kind of political process may lead to a much-reduced government, but it will not lead to a libertarian society. As a case in point, consider Ron Paul, a Texas Republican teetering on the edge of libertarianism, who got himself into a bit of a jam by taking a lonely stand against registration and the draft. Although Representative Paul is not a consistent libertarian, particularly on foreign policy issues, he was elected on the basis of slogans and campaign promises that stressed less government and more individual freedom. And so, with 39 other Congressional opponents, he signed a letter to Jimmy Carter urging him to oppose any new draft. Whereupon he polled his own district and discovered that fully 70 percent of his constituents favored the draft. This made it impossible for him to be as active against the draft as I'm sure he would like to be. He had to decline an invitation to speak at the May 1 SLS rally in Washington, for example. Worse yet, when he testified against conscription, a crafty opponent of his took part in the cross-examination. According to one of Representative Paul's staff aides, the man said there was a "radical student group" around that not only opposed the draft, but planned to resist registration and disrupt it if necessary.

This group called itself *libertarians*, the sly fellow said; "aren't you one of those libertarians?"

Now, what was Ron Paul supposed to say? An issue like the draft could easily oust him from office (he was elected by a *very* slim majority) if picked up by an enterprising statist and exploited for all its worth. It is not a question of compromising his principles; Representative Paul is solidly lined up against the draft and will vote against it. The point is that representative democracy limits the parameters within which Libertarians can maneuver. If a man of principle like Representative Paul has to watch his step, imagine the effect on your average Joe. The power of the state creates pressures which limit the pursuit of liberty, *even when it is Libertarians who run the state.*

Today, those limits are nothing compared to the *gains* made by the election of Libertarians. That Dick Randolph cannot call for the complete abolition of taxation in his public speeches is a small price to pay for the great advance his election brings to the movement. But that will change as we succeed. After awhile our pursuit of liberty will be more constrained by public office than helped by it.

Libertarian subversion

The idea of an "orderly dismantling of the state" via elected Libertarians is a myth, and a harmful one. States just don't dismantle themselves. The belief that a libertarian revolution can be accomplished in this way is, I believe, the last vestige of a yearning belief that the American Government is legitimate—that its institutions are honest reflections of a misinformed popular will, that there is no "ruling caste" and no built-in bias toward statism. This Republican model for elected Lib-

ertarians has to be replaced with a new one. If the first phase for elected Libertarians can be defined by political *entrepreneurship*, then in the second phase the elected Libertarian must become a *subversive*, a weapon aimed at the vitals of the state apparatus.

The case of Daniel Ellsberg is instructive. Ellsberg was a government official, albeit a non-elected one. He held a position within the military, the Deputy Assistant Secretary of Defense to be exact, that put him into close contact with its inner workings and Top-Secret information. When he discovered that this institution was corrupt and riddled with deception, he responded by "stealing" the Pentagon papers and turning them over for publication. This helped to discredit the American war effort in Vietnam. The veil of legitimacy was ripped away, at least for those who cared to read.

Ellsberg did not play by the rules—rules made by the government for its own protection—but instead acted on the basis of his own conscience. The lesson is quite applicable to Libertarians in government. If the state is criminal—or, for the minarchist, if 90 percent of what the state does is criminal—then why should elected Libertarians tamely stick to the niceties of parliamentary procedure, Congressional Committees, and so on? To mix metaphors, Libertarians should be a bull in the governmental china shop, constantly pulling back the curtains and exposing the wizard as a humbug.

The opportunities for subversion, I am sure, are limited only by the elected official's imagination. But the release of government information and "state secrets" is particularly important. Government grabs much of its support and legitimacy by manipulating the dissemination of infor-



Libertarian Party presidential hopeful Ed Clark

mation about its own activities. I am sure that politicians routinely confront information that, if exposed, would make the average American's hair stand on end. An elected Libertarian is in a powerful position to ferret out, dig up and otherwise expose the lies that sustain governments. Although much of the worst information is concealed even from elected officials in the hands of entrenched bureaucracies and the executive branches of governments, an elected official can often use his investigative powers to pry these secrets out. And if a libertarian is prosecuted for such revelations—great! The government simply rivets public attention on its own malfeasance and creates an issue. Daniel Ellsberg seems to be a lot more popular for revealing information than Richard Nixon is for concealing it.

As part of their internal subversion of the government, elected Libertarians should use their offices even more blatantly than before as soap-boxes—as tools for establishing political dialogue with the people. Most Congressmen today use their office as a reelection machine complete with subsidized mailings, free publicity and tax-paid junkets. A Libertarian could invert this vicious process by using the office as an organizing tool to arouse the electorate to

state abuses. I see no reason whatsoever to adhere to the schedules and petty duties of electoral office, unless these duties in some way increase the capacity of the elected official to roll back the state.

This is merely the beginning of what should be a long and productive debate over the problem of elected Libertarians. The question will soon be complicated and enriched by the actions of real, live elected Libertarians. But regardless of what we learn from experience, in the end our strategy will be largely determined by what it is we are trying to accomplish. In other words, the prospect of elected Libertarians will force the movement to choose between reform and revolution. If it is revolution we seek—a fundamental transformation of the socio-legal system in accordance with libertarian principles, and the end of the American government as we know it—then Libertarians in public office must act accordingly. On the other hand, if libertarians accept the basic institutions of American society—the Constitution, the courts, the legislative bodies—and seek only to wipe out their incursions into individual liberties, then elected Libertarians must take an altogether different path.

Contributing editor Milton Mueller is executive director of Students for a Libertarian Society.

Subversive revolution or spontaneous order?

JOAN KENNEDY
TAYLOR

I'D LIKE TO UNDERLINE the importance of a concept which seems to be sometimes neglected in liberta-

rian circles—the concept of democracy. We are so concerned, I think, with the disasters of unlimited majority rule and the tyrannies to which it has led that we may sometimes overlook democracy's virtue: once the majority is convinced, it is a device for the orderly transfer of power. In the words of F.A. Hayek, "Democracy is the only method of peaceful change that man has yet discovered."

We saw in the aftermath of Watergate that even the awesome powers that the presidency has today taken to itself are subordinate to this principle of peaceful change; somewhat to the surprise of some, the principle is still accepted by people and politicians alike.

So when Milton Mueller describes the article by David Nolan which projects the steps leading to the election of a Libertarian President, and then asks, "If there are enough radical libertarians around to elect not only thousands of State legislators, but a *consistently* libertarian President as well, then why are libertarians fooling around with elections at all?" the immediate answer is that elections are the way we transfer power in our society. If we want to come to power, we *have* to fool around with elections—unless we invent a totally new way of handling the problem, or unless we intend armed violence.

But, as Murray Rothbard pointed out in the pages of *The Libertarian Review*, (August, 1978) "no armed revolution has ever succeeded in a country with free elections."

Mueller defines the revolution he seeks as "a fundamental transformation of the socio-legal system in accordance with libertarian principles," and contrasts this aim with accepting the basic institutions of American society, by which he means the Constitution, the political structure which it

sets forth and the courts. If you read him carefully, nowhere does he say that this revolution would be violent. Unfortunately, however, the vocabulary of revolution (especially if you couple it, as Mueller does, with subversion) has been used in the past almost exclusively by Marxists, who think violence is inevitable, and therefore the implications of what Mueller is calling for may indeed seem to the careless reader to include the possibility of violence.

Mueller asks how libertarians can assume that "the bureaucrats, the privileged unions and businesses, the military-industrial power elite, will just stand by like good sports and watch their livelihoods threatened, their privileges smashed, their power destroyed by the smooth and incremental growth of libertarianism . . . will not act to co-opt, cancel or corrupt our goals. This is nonsense. Libertarians will advance only up to a point before it sparks a strong reaction, and possibly severe repression." He concludes that libertarians cannot gain what they want (a libertarian society) by parliamentary means; "the elected Libertarian must become a *subversive*" (italics his).

Mueller's example is Daniel Ellsberg and the Pentagon papers. He seems to be using the term *subversive* to refer to actions on a continuum with the muckraking he earlier endorses. If I read him right, an example of such technical "subversion" which even more people would endorse without question is the action of John Dean in taking documentary proof of the Watergate cover-up with him when he left the Nixon White House—an action which his lawyer told him could get him prosecuted for theft. Ellsberg publicly admitted his action. Dean put the documents in a safe deposit box and gave Judge



LP presidential hopeful Bill Hunscher

Sirica the key. Both men obviously trusted profoundly in the procedural safeguards of the Constitution and in the courts, and in fact were not severely repressed. Neither were they elected officials.

The actions of employees who discover that officials have acted wrongly and take steps to expose them while running the risk of legal punishment for technically breaking the law has, I think, an honorable place in our system; a place similar to that held by the person who gets arrested in order to bring a test case in the courts.

However, to suggest that such actions should be the main purpose of an elected official, to the exclusion of taking part in parliamentary procedures, is something else. If you run for elective office, stating your libertarian principles, and get elected, aren't you offering to represent the people who elected you, through those very parliamentary procedures? Either, it seems to me, parliamentary action is open to you, in which case you have contracted with the voters to engage in it, or you are in such a minority that parliamentary action is impossible. Which would mean that a large number of the citizenry still sees government action as in its best interest, and is supporting those elected officials who act to try to shape and regu-

late society. If, in either case, we call for subversion, we are calling for shortcutting the process of rallying majority opinion.

Mueller not only postulates severe repression; he calls the Libertarian subversive "a weapon aimed at the vitals of the state apparatus." Might not some libertarians take this to mean a call for retaliatory violence? A weapon, after all, implies force to many people.

I am sure that libertarians intend to use force, if at all, only as a retaliatory measure against the power of government coercion. But our government is so swollen that some coercive functions which it maintains sit in the spot where free institutions would sit in a society whose government was properly limited. This has resulted in an ever-increasing breakdown of respect for property and a blurring of the concept of property rights. Libertarians who are willing to be violently, albeit defensively, subversive, might very well find themselves joined by those whose frustrations result in hostility toward public and private institutions alike. Thus, the mob that attacked San Francisco's City Hall in May to protest the light sentencing of Dan White for the murder of George Moscone and Harvey Milk torched not only several police cars but the car belonging to the night watchman at City Hall, and then swept on to demolish local businesses. Violence cannot be controlled.

Further, if subversive attempts to disrupt government seem apt in any measure to succeed, Libertarians might find that most of the working people in the country were joining together to put down the disruptions, feeling that their primary interest was in reestablishing an order within which their economic life could take place. Is this a scenario that anyone wishes to sub-

stitute for "fooling around with elections"?

Instead of accepting the possibility that they do not and cannot know all the factors that will determine the ultimate course that society takes, wouldn't such subversives be deciding instead that they know best what is good for society, like the bureaucrats they despise? I hope that Libertarians are never willing to use coercion rather than persuasion to achieve the "good." The fact that we will admit only retaliatory force into our repertoire is not an absolute defense against coercion: It is always true that violent revolutionaries see their violence as "caused" by the Old Order, which wants to hold on to its property, and/or its power, and/or its favored position.

Only those who think it possible to plan and run entire societies can plausibly plan to take them over in this way. Libertarians, if they agree with the Austrian view that we cannot successfully build a society by conscious design, are caught in a contradiction if they think of revolution in this sense.

"It is indeed probable," writes Hayek, "that more harm and misery have been caused by men determined to use coercion to stamp out a moral evil than by men intent on doing evil."

The word *revolution*, however, has two distinct connotations. One is violent and coercive, but one is not. One is what Hayek calls *constructivist*: it implies a plan, a design, an overall strategy, a revolutionary cadre. The other is a self-generating institution of cooperation—a vast social change produced by millions of individual choices which could be planned by no one, organized by no one, and controlled by no one. We can speak of the leaders of the French Revolution or the Bolshevik Revolution; we cannot speak similarly of the "leaders" of the Industri-

al Revolution or the Sexual Revolution.

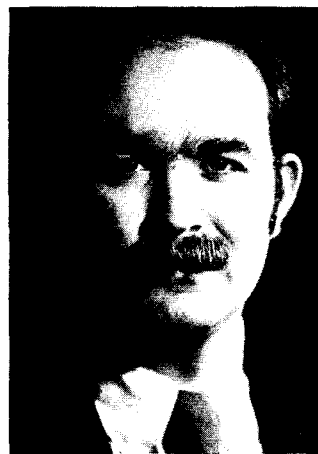
I suggest that what libertarians are really looking for is the total transformation of society in ways which we cannot completely foresee through spontaneous forces. We do not see society as what Hayek calls an *organization* which can be planned and directed in all its details, but rather as a *spontaneous order* which generates equilibrium through the interactions of unnumbered individual choices.

Organizations such as the Libertarian Party can certainly be planned and directed and can play an important part in achieving the limitation of government which is a necessary precondition to the spontaneous growth of a libertarian society. But a party and office holders cannot by themselves achieve such a society except in the context of a larger movement which is not itself an organization.

Mobilizing the Public

Still, the question of how Libertarians will handle political power is indeed an important one. It is certainly the case, as Milton Mueller says, that the libertarian office holders will need to take strong positions and make "proposals that are symbolic as well as practical," and that one way to mobilize public support is through muckraking and exposing patronage. And it is vital that we constantly make clear that it is not proper for government to be functioning in the areas in which it functions today. But the most telling point that he makes—to my mind—is that "in the end, we will not change society by passing laws in government; we will only change government by mobilizing the support of society."

Precisely. There is no alternative to mobilizing the support of society. And elec-



Libertarian Party Founder
Dave Nolan

tions are, so far at least, an indispensable barometer to tell us something about how well we have done.

Something, but not all. If the movement at large has not yet succeeded in changing the terms of political dialogue in this country, it won't matter how many people we elect—they won't bring on a libertarian society. In this sense, government *does* reflect the will of the people—it can't change the general sense of what abstract rules should be enforced.

What Libertarians have to offer is the principle of individual freedom, and the very concept of the importance of principle to politics. The Libertarian Party is indeed the Party of Principle. In order to gain our goals, it is not enough to accomplish this or that specific thing—an acceptance of the principle of individual freedom must spread throughout society. As Hayek points out, without this acceptance, institutions alone cannot preserve freedom:

Freedom has been preserved for prolonged periods because such principles, vaguely and dimly perceived, have governed public opinion. The institutions by which the countries of the Western world have attempted to protect individual freedom against progressive encroachment by government always proved inadequate when transferred to countries where such traditions did not prevail. And they have not provided suffi-

cient protection against the effects of new desires which even among the peoples of the West now often loom larger than the older conceptions—conceptions that made possible the periods of freedom when these people gained their present position.

We know that it will take time for such principles to be accepted. It is clear that now people want government to offer them pragmatic, short-range, specific solutions. And as long as they do, those libertarian legislators who do get elected will be seen as “do nothings.” To try to gain power in order to do nothing is not impressive—it seems, at best, comic. Governments are still perceived as “handling” emergencies, and since they also regularly produce emergencies—inflation, wars, crises in the allocation of resources—they are considered necessary. Not only that, elected officials have power thrust on them (“stand-by” power

to set wage and price controls, for example) even when they announce that they do not want it.

So it's clear that taking over the apparatus of government is not the main problem. Libertarians could do that and not achieve liberty—Milton Mueller is very right on that point. Where I would differ sharply from him is on the implication that if we have not yet convinced people of the importance of liberty, we can gain their agreement by subversion. Which is to say, by breaking rules which are still generally perceived to be valid.

The question we have to ask ourselves is, is a libertarian society natural? By which I mean, do we see it as a spontaneous order? Then it cannot be imposed by design. Political representatives can set up the limitations on government which will allow it to flourish, but even that can only be done in a climate of respect for indi-

vidual rights. You cannot force people to be free: as soon as you relinquish your hold on them, if they don't understand liberty, they will want to vote to use coercion against someone.

We can conceivably gain power. But power is not what we want, not primarily. We want the culture to be convinced, not just that a particular administration is a usurper, but that unlimited governments are *all* usurpers.

“The power of the legislator thus rests on a common opinion about certain attributes which the laws he produces ought to possess, and his will can obtain the support of opinion only if its expression possesses those attributes,” says Hayek. We must change the basic opinions of the culture. There is no shortcut.

But it can be done. In *The Wealth of Nations*, Adam Smith wrote that “to expect, indeed, that freedom of trade should ever be entirely



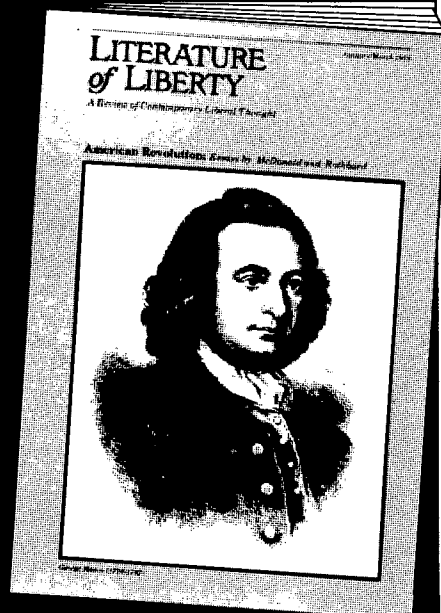
LESLEE J. NEWMAN

Libertarian Party National Chair Dave Bergland

restored in Great Britain is as absurd as to expect an Oceana or Utopia should ever be established in it.” Yet it was not absurd. Despite all the opposition of the bureaucrats, the privileged, and the power elite of the time, seventy years later it was done. ☐

Joan Kennedy Taylor will be chairing the Platform Committee at the upcoming presidential nominating convention of the Libertarian Party.

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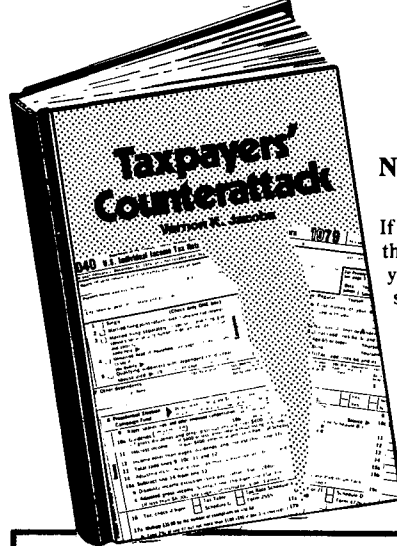
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Abortion: The Battle C



BRIAN SMITH

Over Freedom of Choice



LESLEE J. NEWMAN

Everyone has heard tales of illegal abortion—the story about a knitting needle inserted into the mouth of the cervix to induce premature labor, perhaps, or the visit to the unskilled backroom abortionist which results in massive hemorrhage. Fortunately, such tales are rarer since the U.S. Supreme Court effectively legalized abortion in its landmark 1973 decision, *Roe v. Wade*. Yet, despite popular acceptance of abortion—opinion polls taken since legalization show as much as 81 percent of the American people favoring abortion under at least some circumstances—there is a widespread movement afoot to thwart pro-abortion freedom. Twenty proposals for a “human life amendment” to the U.S. Constitution have recently been introduced in the House of Representatives, two in the Senate. And 15 states have already passed resolutions calling for a constitutional convention to push through such an amendment. In addition, “informed consent laws” have now been passed in nine states and proposed in another 25. Some of these statutes require that parents of daughters under 18 be notified and consent to their daughters’ operations. Some statutes have attempted to require that husbands or fathers give permission for the procedure. All of them chip away at the freedom granted women by the *Roe* decision of 1973.

Indeed, all “informed consent laws” fly in the face of the *Roe* decision since they require that pregnant women seeking abortions receive “counselling” and be told that the fetus is a human being from the moment of conception. In *Roe*, the Supreme Court decided that the fetus

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would not be protected by the state until the last trimester of pregnancy. The Court decided that *if* a fetus were held to be a human life at the instant of conception and thus a "person," the state *would* have the right to prohibit abortion and the prenatal person *would* be protected under the 14th amendment. The Court concluded, however, that the fetus was worthy of protection *only* when it reached viability or when it became capable of living outside the womb, at about six months. Thus, the Supreme Court would allow abortion in this period—the last trimester of pregnancy—only if the mother's life were in danger; but even at this point it did not endow the fetus with legal "personhood." Justice Blackmun proclaimed that since those trained in medicine, philosophy, and theology could not decide when the fetus became a "person" neither could the high court.

Although the *Roe* case was supported by the American Medical Association (which abandoned its opposition to abortion in 1970 and decided that it should be legal if based on "sound clinical judgment") and by the American Bar Association (which had already drafted a Uniform Abortion Act), a loud minority of the American public neither expected nor accepted liberalized abortion. The present political outcry is the work of this still unaccepting minority which aims to prohibit abortions to all.

The passage of "informed consent laws" is typical of the tactics used by this anti-choice lobby to complicate and stall abortions. As previously noted, these Akron ordinances—as they are called after the one passed in Akron, Ohio, the model for similar statutes in Florida, Illinois, Massachusetts, Nebraska, and Louisiana, among others—contain provisions calculated to harass and invade privacy. Common stipulations require a woman to wait at least 24 hours before she can obtain her abortion, to sign a written consent, to be "counselled," and to be informed of organizations which will aid her in carrying her pregnancy to term. She may be required to observe photographs of the fetus burrowing into the womb, and she may be required to hire two physicians, one to abort, and one to save the life of the fetus. Most gruesome of all, she may have to make arrangements with an undertaker for the disposal of the remains of the fetus. (Of course, since most abortions are performed in the first three months of pregnancy, generally there would be little to be disposed of, and a fetus of three months or less simply cannot survive outside the womb.) Furthermore, all "informed consent laws" require that the woman be told that abortion is a "major surgical procedure," which it is not. There is no requirement that she also be told that childbirth is much more dangerous than abortion during early pregnancy.

State legislatures are aware of the game they are playing. They know that the laws they pass might be unconstitutional, but the anti-choice element continues to propose new ones, knowing that legal challenges take time to restrain, enjoin, and ultimately overthrow such laws. In the meantime, the laws can make life miserable for millions of women. And sometimes, a court may not strike down the whole statute.

In Massachusetts, for example, a 1974 "informed consent law" was challenged and partially overthrown by the Supreme Court in June. The case, *Bellotti v. Baird*, challenged a law which required minors to obtain parental permission before being allowed to abort. The Court ruled that the minor no longer has to go to her parents if she knows they won't consent. Instead, she must acquire juvenile court permission. And although juvenile courts in

Massachusetts will be hard-pressed not to grant a minor such permission—the law requires that the juvenile court must okay an abortion if a young woman can demonstrate either that she is capable of making a decision to have an abortion or that an abortion would be "in her best interests"—that minor must still face delay and humiliation in asking court permission. It is ironic that in Massachusetts a minor can obtain any other medical procedure without parental or judicial consent, except methadone treatment or sterilization. A minor can also bear a child to term, even if she is only 11 years old. The *Bellotti* decision will force many minors to choose between seeking an illegal abortion, with its accompanying greater risk of injury or death, and bearing an unwanted child. Or it might force them to marry.

Evidently the high court in *Bellotti* heeded its previous decision in *Eisenstadt v. Baird* (1972) in which it stated that "if it would be unreasonable for the state to prescribe pregnancy and the birth of an unwanted child as punishment for fornication—the state cannot allow the laws to authorize a parent to exercise this same punitive sanction." Yet, the Court is merely substituting judicial consent for parental consent. The minor in Massachusetts will continue to be punished for fornication by having to seek the permission of a juvenile court. The minor is not entitled to the same protection and privacy as an adult, according to *Bellotti*.

This privacy between a woman and her doctor in the first three months of pregnancy, guaranteed by the *Roe* decision, has also been invaded by those "informed consent laws" which require a married woman to get the permission of her husband to abort. In *Coe v. Gernstein* (1973) the Court stood firm, ruling that if the state could not interfere in prohibiting abortion during the first trimester, neither could a husband. But a Louisiana statute which modifies this guarantee of privacy has recently been upheld. That statute requires spousal notification instead of spousal consent. But practically speaking, the effects are the same—it causes a wife to spill the beans to her husband and suffer any adverse consequence. Generally, a wife would want to confide her pregnancy to her husband, and if the husband empathized and supported his spouse, he would consent to her action. Thus, for a wife who knows her husband won't consent, or would become enraged if she suggested abortion, compulsory notification will serve a punitive function—forcing her to carry the pregnancy against her will, or risk the break-up of her marriage.

Amending the Constitution

Not satisfied with these legislative gains, anti-choice groups are now trying to garner enough support from state legislatures and congressmen to achieve their ultimate goal, the "human life" amendment. In the forefront of this activity is the National Right-to-Life Committee (NRLC), based in Washington, D.C. with members in all 50 states. It claims more than 11-million supporters in 1800 chapters, working to defeat local and state politicians who are pro-abortion and pro-choice. It operates by mailing voter surveys to the electorate of a particular district, asking each voter whether he or she is "pro-life" or pro-choice. Those voters identified as "pro-life" are then sent information on anti-abortion candidates. Finally, they are telephoned on election day by local volunteers and urged to vote "pro-life."

The Life Amendment Political Action Committee (LAPAC) is the political arm of NRLC, designed to defeat

congressional pro-choice candidates. It is best known for its "hit list," a compilation of candidates it is trying to oust in the 1980 elections. Included are Democrats and liberal Republicans whose districts are vulnerable, along with an occasional liberal candidate who is *not* strongly pro-abortion, like Senator Frank Church (Demo.) of Idaho.

money, and the Church is also said to have contributed over \$900,000 to LAPAC in 1977.

Paul Brown of LAPAC boasts of raising \$95,000 in 1978 to fund congressional campaigns and says he hopes to funnel \$250,000 more into campaigns in 1980. He also hopes to win the support of 41 Senators for the human life



The commingling of personnel between the National Right-to-Life Committee and the Life Amendment Political Action Committee is worthy of note. LAPAC's director is Paul Brown; the head of NRLC was his wife, Judie Brown. (She resigned in June to go to work for the American Life Lobby, which is registered as a political fund raising committee.) LAPAC's chairman is Sean Morton Downey; NRLC's Washington lobbyist is Sean Morton Downey. And four of the other five members of LAPAC's Board are officers or members of NRLC's Board of Directors. Yet LAPAC and the American Life Lobby have been soliciting funds from the general public on the grounds that they are separate organizations from NRLC. This position is being challenged in the courts by the National Abortion Rights Action League, which argues that according to federal election law, a political action committee connected with a membership organization may solicit contributions only from the membership pool of that organization and not from the general public.

Besides the general public, a significant donor to both NRLC and LAPAC is the Catholic Church. Judie Brown has denied that NRLC receives any money from the Church. She claims that if her groups were getting church monies, its members wouldn't have to spend so much time raising money through bake sales and garage sales. However, Michael Taylor of the Pro-Life Offices of the National Conference of Catholic Bishops has acknowledged that the Church helped to establish NRLC in 1973 by furnishing

amendment to the U.S. Constitution by 1981 through use of his "hit list" and voter surveys. If his dreams come true, he's stated that these Senators "would then launch a filibuster, and we would shut down the Government until we got the amendment." Bold plans for a man formerly described as a soft-spoken executive for K-Mart Corporation.

Other anti-choice groups include the National Pro-Life Political Action Committee, based in Chicago and directed by Father Charles Fiore, a Dominican priest. One of Father Fiore's programs urged Catholics to stop contributing to any community fund drive which benefited organizations that aided abortions. You'd think the Church would appreciate such zeal. But when the Chicago Archdiocese got wind of this it ordered Father Fiore to stop preaching entirely. It seems many of these fund drives also supported Catholic charities. There's also the Life Political Action Committee, an umbrella organization that coordinates the activities of some 30 anti-abortion groups. Its founders are Lee Edwards, a former deputy publicity director for the Barry Goldwater Presidential campaign, and Joe Barrett, a former trucking executive who was a political backer of John and Robert Kennedy. Like the National Right-to-Life Committee, this Life Political Action Committee works primarily to influence elections for state legislatures by organizing political activity at the local level.

Anti-abortionists involved in political action operate on the premise that in a close election their religiously and morally inspired volunteers can make the difference. They

claim responsibility for the recent defeat of pro-choice Democratic Senators Dick Clark of Iowa and Thomas McIntyre of New Hampshire. This spring they helped defeat pro-choice candidates for vacant congressional seats in California and Iowa. And they point with pride to their first showing in New York, where the Right-to-Life Party is now on the ballot. The Party had its first test on March 21st in a special assembly election in the 62nd District of lower Manhattan. The Right-to-Life Party joined with conservatives to support the same candidate, who did not win, but did outpoll the Republican nominee.

This new partnership between anti-abortionists and conservatives which occurred in New York's 62nd District Election is not coincidental. A cordial alliance exists, for example, between Paul Weyrich, National Director of the Committee for the Survival of a Free Congress and a top leader of the New Right, and Paul Brown, Executive Director of the Life Amendment Political Action Committee. The New Right is drawing mainly on the former constituency of George Wallace's American Independent Party, which polled almost 10-million votes in the 1968 presidential election. Its strength is situated largely in the South, the Midwest, and in the strongholds of Roman Catholic conservatism. It organizes around "hot button issues," the Equal Rights Amendment, gay rights, and the issue that is most lucrative and emotional—abortion, all appealing to those who feel threatened by the progressive mood of the country. Thus, the opposition to abortion has become the unifying element for diverse right-wing groups, many strongly religious persons, such as Catholics, orthodox Protestants and Jews, and various anti-choice organizations.

Mervin Field, a San Francisco-based pollster has drawn a portrait of those opposed to abortion based on several studies and surveys made in California. He concludes that the anti-abortionists feel more passionately and strongly about the procedure than pro-abortionists. It's more important to them to have their candidates running for office than it is to the people who are pro-choice. And, as a result, the anti-choice candidates are generally single-issue candidates.

Two Catholic sisters in Washington, D.C. recently sampled members of right-to-life organizations nationally and, according to *The Catholic Reporter*, concluded "that many of those in the movement see abortion at the deepest psychological level, less as a taking of human life than as a practice threatening the existing social patterns and customs in families, marriages, and sexual relations." This certainly helps to explain the success of the anti-choice minority in passing informed consent laws and state resolutions supporting a new constitutional amendment, especially in its areas of strength, the South and the Midwest. And it helps to explain the emotional and violent tactics used by the anti-abortionists. They feel that their life-styles and their sense of morality are threatened, and that they are fighting for their very existence.

It's interesting to note that a recent Gallup poll found only 25 percent of the Catholics polled supporting their church's total ban on abortion. Evidently most Catholics have not been persuaded by the results of the 1976 National Council of Catholic Churches resolution calling for once-a-month "pro-life" sermons. Yet, enough people feel strongly about stopping abortions to send their children to picket abortion hospitals, mail pickled fetuses to legislators, shoot at physicians who perform abortions, and firebomb abortion hospitals. In the last two years, 20 clinics have been the

targets of arson and violence. The Bill Baird Clinic in New York was firebombed on February 15, 1979 while 50 patients and staff were inside; one of the patients was recovering from an abortion performed moments before the blaze. In fact, the violence has grown so bad that clinics are starting to install bulletproof glass. It seems ironic that those accused of killing human life are themselves being assaulted, wounded, and maimed by forces calling themselves "pro-life." Those who are concerned about the protection of the unborn fetus are unconcerned if 50 people are killed when a clinic is firebombed.

But that's not all. The anti-abortionists are fond of harassing young victims of pregnancy too. According to the executive director of a chain of abortion clinics in Indiana, one very young woman was abducted recently from a Fort Wayne clinic and spirited away to a nearby McDonald's, where she was given a phony pregnancy test in the public bathroom and lectured about not having an abortion. In Philadelphia two years ago, 18-year old Donna Bonacci called an organization listing itself as the "Abortion Birth Control and Pregnancy Testing Clinic," hoping to get an appointment for a pregnancy test. The woman who spoke to her got her name and address, even though Bonacci insisted that she didn't want her parents to know. Instead of getting information on an abortion, she got a lecture telling her that abortion was wrong. Far worse was the visit that night by two women who told her parents and her parish priest of Donna's condition. Her parents became furious and her father gave her the beating of her life. She moved out of the house, and eventually obtained an abortion.

Today, the actions of many of these "clinics" are being tested in courts by pro-choice groups. But, as in the case of "informed consent laws," the challenge takes time, and in the interim, such "clinics" can continue to harass women like Donna Bonacci.

The battle over the "right to life"

However, the present harassment of women is nothing compared to what it might be like if a human life amendment were ever passed. Such an amendment has the potential of investing the state with more thoroughgoing and destructive control over women's bodies and lives than has ever been imagined.

When criminal abortion laws were first enacted in the mid-nineteenth century, the concern for the fetus was secondary to the concern for the mother. The rationale behind the nineteenth-century laws was that any surgical procedure was dangerous, and so was abortion. That is part of the reason for the American Medical Association's belated change in posture in 1970. Abortion could no longer be prohibited on grounds that it was dangerous. The call for a human life amendment, on the other hand, is nothing other than a call for the legal enshrinement of a religious belief.

If a human life amendment made fetal life sacred, any abortion could thus be considered murder or manslaughter. Since 15 to 25 percent of all pregnancies naturally end in miscarriage, our already crowded courts would be required to hold hundreds of thousands of inquests to determine the cause of "death." Since in addition miscarriage is by its nature a private occurrence, we might even find the traditional presumption of innocence reversed: a high percentage of formerly pregnant women could become suspect as murderers, and might be criminally charged if

they could not prove otherwise. Women might even be arrested if it were feared that there was probable cause to believe that they might try to obtain an abortion. Suspicion of pregnancy might be used to justify forced examination. Pregnancy in some cases might result in incarceration or strait-jacketing. And other laws would have to be changed to accommodate the amendment. A woman might have to leave work if pregnant, and she might be barred from strenuous activities, since no one would want to bear the risk for "wrongful death." The manufacture, sale, or use of common forms of contraception, most notably the IUD, could also be outlawed because they interfere with the implantation of a fertilized egg. Many anti-abortionists would even do away with sex education in the belief that such information only makes teenagers sexually active.

In the Indiana legislature, a "baby-buying" bill has already been introduced which would allow the state to give money to any woman who agreed to carry her unwanted pregnancy to term. When the baby was born, the state would be paid back by the adoptive parents (or by the mother, if she decided to keep her child). Nothing like a little psychological inducement from the State. What if the mother decided to keep her child, but didn't have the money to repay the state? The bill doesn't specify to whom the child would "belong." Similar legislation is now being drafted in Minnesota.

Other legislation is being drafted in Congress, including six new clinic regulation bills. Most of them would impose new licensing standards on abortion hospitals. One would appropriate \$50,000 for the Department of Public Health, for the inspection of surgical treatment centers. Another would require the licensing of abortion counselors by the Department of Public Health. Still others would further harass women seeking abortions. One proposed in the House would require any woman having an abortion for any reason other than to save her life to pay \$150 to the Department of Public Health to fund counselling on the alternatives to abortion. Evidently the sponsor of this bill doesn't know that last year, Former Secretary of Health, Education and Welfare, Joseph Califano, ordered his staffers to come up with "alternatives to abortion." The study group found that if a pregnancy is unwanted there really are no alternatives to abortion except suicide and motherhood (and, some would add, madness).

In the wake of this anti-sexual frenzy, pro-choice groups are gearing up to fight fire with fire. The largest of all the pro-choice organizations, the National Abortion Rights Action League, claims that its group was taken off guard by the 1973 legalization of abortion, which provided a false sense of security. This year NARAL is spending about a million dollars to raise funds, expand its grass roots movement and combat the political activities of anti-choice groups like the Life Amendment Political Action Committee with a "hit list" of its own.

Both pro- and anti-choice groups claim that 1980 is the key year. Congressional elections next year will determine which forces are having more influence on the American electorate. The members of the New Right, now aligned with the Catholic Church and other orthodox believers, do not realistically expect the majority of Americans to accept their ultraconservative philosophy. But they do believe that by flying the anti-abortion flag they can build a coalition of special interest groups that will have real political clout. And in the U.S., where only one-third of all eligible voters actually went to the polls in the last election, that strategy could work.

Women must have the freedom to choose whether they want an abortion or not, without the interference of "informed consent laws" and other anti-freedom tactics calculated to make them miserable. On the other hand, taxpayers should not have to pay for the abortions of others. Despite the 1976 Hyde amendment which has cut off national Medicaid funds to poor women, the abortion rate has not dropped. A study by the U.S. Center for Disease Control in Atlanta, summarized in the July 9 issue of *Time*, shows that "most low-income women are neither bearing unwanted children nor turning to kitchen-table abortionists," not only because state funds in 15 states are being used to replace federal funds, but because poor women "can get financial help from private groups or obtain abortions at low-cost clinics." Many clinics offer the procedure on a sliding scale according to income so that wealthier women help to finance the abortions of those who can least afford to pay for them.

As long as the Supreme Court decision stands, women, even poor women, can obtain abortions. The enemies of this option claim that they are protecting life and the rights of the unborn. But what about the rights of the living? In this conflict, two sides are sharply drawn. On the one hand, a minority concerned about divergent lifestyles and the new sexual freedom wish to impose their religious views on others by law, in defiance of the separation of Church and State and of the wishes of the majority. On the other hand, a broad coalition of people, many of whom would be personally opposed to having an abortion but wish to protect women's right to control their own bodies, are opposing government intrusion and supporting individual freedom.

A prominent foe of such freedom, Phyllis Schlafly, apparently considers that women should be *required* to have children, even apart from the question of abortion. In 1974, she said in the *Washington Post* that people "not willing to add to the work force of the next generation" should be "forced to sign a piece of paper saying that they will forfeit Social Security benefits. Even if they have worked all their lives."

The so-called "pro-life" forces are, in fact, pro-slavery. Like every major twentieth-century dictatorship (which have all outlawed abortion), they would nationalize women as a resource of the state and force them to bear children for the Fatherland. Indeed, one of the constitutional arguments given in the case that was supposed to settle the abortion question, *Roe v. Wade*, was that abortion laws violate the Thirteenth Amendment, which prohibits involuntary servitude. As Father Joseph O'Rourke said, while lobbying for choice in Washington: "The anti-abortionists are antifree, antiwomen and anti-Christian."

How many women will be made to suffer again by this "pro-life" minority? (Indeed, many already suffer in states where vicious "informed consent laws" exist.) To the Right-to-Life movement, the unborn fetus is more important than anybody else. Let the fifteen-year-old pregnant teenager suffer. Let the thirty-five-year-old career woman suffer. Let their husbands, boyfriends and families suffer, too. Let them die. For all the anti-abortion activity in the world, even a police state, will not bring the cessation of abortions. The prohibitionists would merely bring back the knitting needles and the back-room abortionists. □

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PSYCHIATRY AND THE CIA CONNECTION

PETER R. BREGGIN, M.D.

Psychiatry is taking it on the nose more and more in the national media. But criticism of psychiatry *in principle* remains rare. Again and again, “excesses” or “abuses” are excoriated. Yet, as these excesses and abuses heap up, one would hope that even the liberal press would have to ask itself—is something the matter in principle with the institutions of psychiatry?

The latest assault on the psychiatric bastion took place on the night of July 10th when ABC-TV News produced a special called *Mission: Mind Control* which focused on covert CIA sponsorship of psychological and psychiatric research throughout the 1950s and 1960s. Author John Marks was listed as the consultant, and the special was based upon his recent book, *The Search for the “Manchurian Candidate”—The CIA and Mind Control* (Times Books, 1979).

The inspiration behind CIA funding of the so-called behavioral sciences is outlined in Marks’s chapter “Cold War on the

Mind.” When the Hungarian government put Josef Cardinal Mindszenty on trial in 1949, he confessed “with a glazed look in his eyes” to crimes of treason he apparently did not commit. The CIA wanted to know how the Communists could render defendants zombielike. But the desire to understand Communist techniques quickly became a CIA excuse for developing and applying its own forms of “brain washing,” sometimes on suspected enemy agents, sometimes on mental patients, sometimes on any unsuspecting American citizen who happened to fall into one of their hastily established experiments.

One of the first CIA innovations was the use of psychiatrists and hypnotists along with polygraph (lie detector) equipment in interrogations. CIA explorations into torture, torment and interrogation invariably had this technological stamp, and often involved psychiatrists. Most perniciously of all, the CIA proposed or actually funded (the data is sometimes unclear) research in lobotomy, electroshock therapy, sensory deprivation, hypnosis, various “truth serums,” and hallucinogenic drugs—all with the intent of breaking the will of individuals in order to interrogate them or force them to take actions they would not ordinarily agree to take. One particularly humorous and enlightening chapter in Marks’s book describes the CIA’s often bumbling involvement in the development of wild mushrooms as a hallucinogenic.

Often CIA experiments were carried out knowingly by reputable and internationally known psychiatrists and neurologists, sometimes with unwitting mental patients as victims. To the end, the CIA has remained determined to hide the names of psychiatrists involved in CIA work, as if they must remain sacrosanct, while the names of other professionals were openly made known or leaked. CIA documents released under the Freedom of Information Act were studiously purged of all name references to psychiatrists. Marks himself seems willing enough to focus his



attention on bringing CIA operatives and administrators to justice rather than the psychiatrists who often inspired and aided them. When these documents first surfaced I worked with the national media in attempting to figure out the names of various prominent psychiatrists referred to in the CIA papers, but we could only guess. A wall of protective silence was erected, not only by the CIA but by establishment psychiatry. There was no outcry from the American Psychiatric Association, for example—no demand that the psychiatric henchmen of the CIA be brought to justice.

The CIA also used front groups to lend support to many unwitting behavioral scientists whose work could contribute little to CIA aims. Thus Carl Rogers unknowingly received CIA funds through a front group early in his career. CIA agents supported these well-meaning psychologists and sociologists in order to bandy about their names when approaching other professionals who might make direct contributions to CIA programs.

So many millions of dollars were invested by the CIA in every aspect of the psychological and social sciences that Marks believes the CIA is largely responsible for the healthy diversity in these fields which developed in the 1950s and the 1960s. Carl Rogers, for example, was having trouble receiving establishment money when the CIA gave him a “grant.” B. F. Skinner also received a small grant from a CIA front group for the writing of *Beyond Freedom and Dignity*. No enemy of state control or state intervention, Skinner could not recall anything about the grant or its origins, but declared “I can’t see why it couldn’t have been open and aboveboard.”

Starting in 1951, the CIA attempted to develop collaboration with other branches of government and with foreign governments in the development of a technology of mind control. Fortunately, the FBI refused to join the club. According to Marks, a British representative was also skeptical and “announced at the outset that there had been nothing new in the interrogation business since the days of the Inquisition and that there was little hope of achieving valuable results through research.”

Psychiatric defects in the CIA

Not everyone in the CIA favored the increasing emphasis upon technology: “Like safecrackers who swear by the skill in their fingertips,” Marks writes, “most of the Agency’s mainstream operators disparage newfangled gadgets. Many now claim that drugs, hypnosis, and other exotic methods actually detract from good tradecraft because they make operators careless and lazy.”

“Tradecraft” among other things involves the patient building of relationships with contacts. As in counterintelligence, the use of gadgets, drugs, hypnosis and other exotic methods in psychiatry also tends to make psychiatrists “careless and lazy.” Psychiatry suffers from an intellectual sloth of horrendous proportions, in part resulting from a reliance on involuntary treatment and in part from a reliance on technology instead of relationship as a means of therapy. The CIA bought the psychiatric approach, and began to suffer psychiatric defects.

The CIA eventually found that all its efforts at mind-control came to naught. As Marks records, when the head of the CIA’s program brought much of the research to a halt in 1972, he wrote that “on the scientific side, it has become very clear that these materials and techniques are too unpredictable in their effect on individual human beings, under specific circumstances, to be operationally useful.”

He also found that the use of these techniques had “moral and ethical considerations” as well as “sensitivity and security constraints” which effectively ruled them out. In other words, after funding and testing the most innovative, pioneer methods in psychiatry, as well as the tried and true techniques, the CIA found them ineffective, ethically repugnant and too controversial for application in intelligence work. Thus the CIA made a judgment on psychiatry which psychiatry has yet to make on itself.

Both the *Mission: Mind Control* TV special and the book on which it was based are major contributions to the fight against psychiatric oppression.

They are forthright in pointing out how psychiatrists, neurologists and psychologists were easily wooed by money, by lust for power and by excitement and misguided patriotism into contributing their knowledge and skills to CIA programs aimed at the coercive control of human thought, feeling and conduct. Both the TV presentation and especially the book make clear that each of the programs aimed at mind-control was an utter failure. The human spirit, it seems, triumphed over every attempt to reduce the human being to an automation. John Marks is to be congratulated for making public these CIA programs and for admitting that they failed. How much better his book might have sold if he had implied that “brain washing” really exists, and that human beings can be technologically controlled. Instead, his book makes very clear that the various “new” techniques of terror and torture, involving everything from electroshock treatment to LSD, added very little to the storehouse of Inquisitorial knowledge.

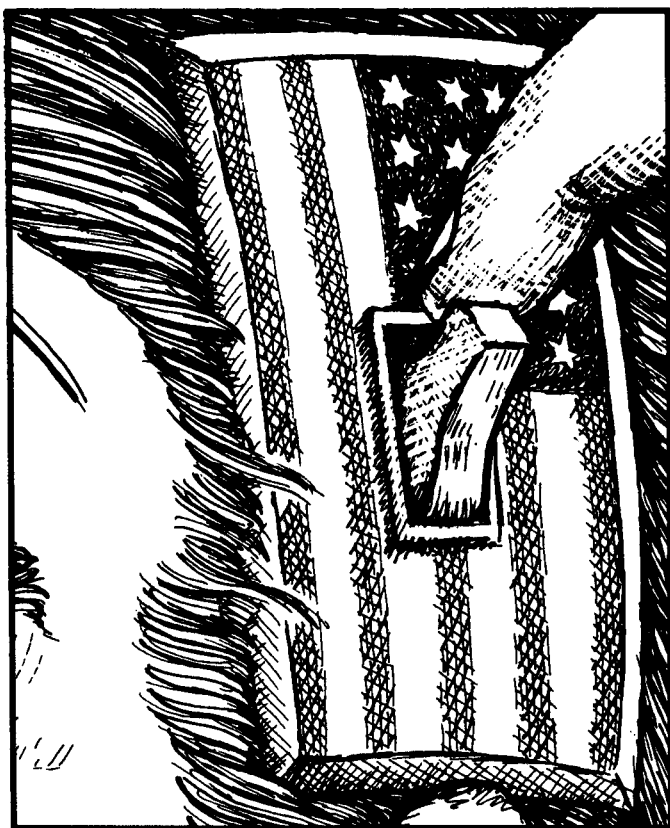
Flawed criticism of psychiatry

The TV special and the book do have two major flaws, however. First, they imply that effective technological mind-control nonetheless remains within the realm of the possible; and second, they tend to exonerate psychiatry in general while focusing upon the responsibility of the CIA and a few individual psychiatrists and behavioral scientists. I want to examine these two flaws.

In his conclusion to *The Search for the “Manchurian Candidate,”* Marks declares that “I cannot be positive that they never found a technique to control people, despite my definite bias in favor of the idea that the human spirit defeated the manipulators.” As I examine in detail in my forthcoming book, *The Psychology of Freedom*, psychiatric technology can damage or destroy brain function, but it cannot directly affect free will or volition. Electroshock, psychosurgery or drugs can ruin brain function, and if they do, they can render the individual more helpless and docile, more tractable, more easy to influence. But in the process, they destroy the fabric of the person’s ability to think, to feel, and act in a self-determined or responsible fashion. What remains after the psychiatric assault is not an effective person who can be used to the ends of his tormentor, but an ineffective, damaged and more helpless person who cannot carry out *any* activity effectively.

In principle I do not think it will ever be possible to develop effective methods for the technological control of human beings. Human beings have free will; they can make choices. Even faced with severe brain damage, some human beings hold fast to their most important personal ethics to the very end, while others of course quickly surrender. Technology becomes nothing more than one more *threat* to the integrity of the person; the person can still decide whether or not to cave in to this threat.

The second flaw in the TV special and in the book is more obvious, and its political implications are more apparent. It holds the CIA more than psychiatry itself up to scorn, yet the CIA did little more than fund on-going psychiatric research which would have continued on its own merry way with or without CIA sponsorship. This is illustrated by the treatment given in the TV special and in the book to the work of deceased psychiatrist D. E. Cameron of the famed Allan Memorial Institute in Montreal. Cameron used a variety of techniques for breaking down the patient in order to make him or her more tractable. Most potently, he used intensive or regressive ECT, which he called "depatterning." The patient is given multiple electroshock treatments on a daily basis until reduced to a state of neurologic collapse and infantile helplessness. The induced brain damage and dysfunction is so severe that the individual cannot speak, cannot walk, cannot control his or her bowel



movements, may not be able to chew food, and is wholly unable to think or to feel in a rational manner. The assault on the memory is so drastic that the individual has no recollection of the process after its completion.

The TV special labeled Cameron's work as the "nearest to mind control" of all the CIA sponsored projects. It also said that the work was "unprecedented in psychiatry." In reality, intensive, regressive or depatterning shock therapy was *routine* in many psychiatric centers at the time, and *continues* to be used in several psychiatric centers in North America at this very moment. What ABC News portrayed as "unprecedented" in psychiatry is actually a well-established, *current* psychiatric practice.

Prior to the publication of his book, Marks sent one of his research associates to me to review the Cameron material, and I met with Marks himself after publication. I had little to add to their well-documented research, other than one followup study on the brain-damage and dysfunction inflicted by Cameron's project which they included in the book and the TV special. But they were less responsive to my

insistence that Cameron's work did not reflect a CIA-inspired aberration but rather routine psychiatric oppression. I pointed out that my own forthcoming book, *Electroshock: Its Brain-Disabling Effects*, gives only a few paragraphs to Cameron's work among many pages describing intensive, regressive or depatterning ECT. Yet Marks himself is careful to point out that Cameron was one of the most respected psychiatrists in the world and that he "did not need the CIA to corrupt him." Marks also recognizes that Cameron may have been unaware of the source of the CIA funds, and that the total, which never exceeded \$20,000 a year, would not have made a difference in the course of the project. His work was well-known and regularly published in journals and presented at psychiatric meetings. No one in the profession criticized it. The data is clear: Cameron's atrocities were *psychiatric* atrocities, not CIA aberrations.

Gradual, but perceptible, progress

During 1972, when I began my campaign against psychosurgery and oppressive psychiatric technology, I discovered that the Department of Justice, through the Law Enforcement Assistance Administration, had begun to finance behavioral research aimed at social and political control, including racist-oriented projects to investigate the genetic causes of violence and even more terrifying research into the psychosurgical control of violence. My disclosure of this federal funding led to a public outcry spearheaded by leaders of the Congressional Black Caucus such as Louis Stokes (D-Ohio) and Ronald Dellums (D-Cal), and eventually it led to the termination of these projects. But it was very difficult to get the liberal press to carry the story; the *New York Times*, for example, refused to touch it. Similarly, in 1973 an injunction was brought in Detroit to stop psychosurgery in the state mental hospitals of Michigan, and I tried to get the press to carry a story demonstrating that the neurologist in charge of the psychosurgical project had openly declared his intention to see these techniques used on ghetto rioters whom he compared to animals requiring castration. Although the evidence for his intentions was undeniable—it consisted of a formal paper written by the neurologist and included as an official exhibit in the trial—I again had difficulty getting the press to carry the story. Specifically, the *New York Times* did a "prize winning" series on the trial, largely supported the psychosurgeons, and refused to mention the avowed political intentions of the project director. After months of effort, I was finally able to convince a black Detroit newspaper to carry the story.

The times are changing though, and even the *New York Times* carried the story of the CIA-psychiatry connection, and Times Books has published John Marks's *The Search for the "Manchurian Candidate."* But the tendency remains to blame the CIA, not psychiatry, although the worst of the abusive projects were wholly psychiatric in origin, aim and style. Psychiatry, the state religion, remains largely beyond reproach in the liberal media. But perceptible changes are taking place. □

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TOWARD A THREE PARTY SYSTEM

ED CRANE

Not many people know the answer to the trivia question, "Who was the campaign manager for the only woman in U.S. history to receive an Electoral College vote?" Well, you're about to find out. In fact, you're reading something written by him. Yes, when Tonie Nathan surveyed the field for prospective campaign managers for her vice presidential bid in 1972, when she looked around her and saw everyone with a modicum of intelligence fleeing for the exits, she also saw me standing there with a dumb grin on my face. Faced with the depressing alternative of me or no one, Tonie opted to ask me. "Sure," I said, "why not?" She asked me how I thought we could do. "Pretty well," I replied shrewdly, "in fact, I wouldn't be surprised if we came in third." Tonie wondered how in the world we could do that, given the fact that the Libertarian Party was at the time only three months old and on the ballot in only two states. "Trust me, Tonie," I said, "there are pockets of support for us out there—in

southern Virginia for instance." And, as luck would have it, we did do well in Virginia—out-polling the Democrats there in the Electoral College. Nationally in the Electoral College, we came in third place.

Now, since the Libertarian ticket of John Hospers and Tonie Nathan received only 5,000 votes nationally, there are those who may have chalked up our third place finish in the Electoral College as a fluke. But a funny thing happened in the following presidential election. In 1976 Roger MacBride and Dave Bergland were on the ballot in 32 states and received 174,000 votes—more than any political party other than the Democrats and Republicans. So, technically speaking at least, the Libertarian Party has finished third among all political parties for the past two presidential elections. And if there were still any question about who was number three in American politics, the 1978 election results surely must have settled the issue. Anyone who knows anything about politics knows that if a third party grows it is during presidential election years; a corollary is that it always loses ground in off-year elections. That is, everyone knew this before the Libertarian Party and the 1978 elections. We ran candidates in more states last year than we did in the presidential year of 1976 and our candidates received over one and a quarter million votes. Many of our candidates received more than ten percent of the vote in three-way races. In Fairbanks, Alaska, of course, we are now the number two party, having elected one Libertarian to the statehouse and having outpolled the Republicans in virtually every other race. What we accomplished in 1978 is unprecedented in the modern history of third parties.

As we look to the 1980 elections the prospects seem even brighter. To begin with, we have two outstanding individuals seeking our presidential nomination. Both are articulate and intelligent men who would run very credible campaigns. Additionally, with a little luck, we will have our presidential ticket on the ballot in 42 to 48 states. Several



hundred Libertarians will be running professional campaigns across the nation. It is my conviction that 1980 will mark the emergence of the Libertarian Party from the category of minor party. We will not yet be a major party, but we will have broken free of the inhibiting stigma of being associated with other minor parties that clearly have no future potential for growth. To use an analogy, we will have reached our adolescence as a political party.

The importance of this new plateau cannot be overstated. It means we will be treated with respect by the media and that millions of Americans will give our ideas serious consideration. It means that there will be nothing between us and the establishment of a real three party system in America other than a lack of will to get the job done. And I believe we have that will. That's why I suggested the theme of "Toward a Three Party System" for our 1979 national convention in Los Angeles.

Let us turn now to the question: How can we achieve a three party system? Are the conditions really appropriate for such a dramatic shift in the political make-up of our nation? On several counts I think the answer is yes.

To begin with, support for the two party system is clearly on the decline. Which is another way of saying there is now more *room* for a third major party. If *everyone* supported one or another of the two major parties the chances of our being successful in pushing the Libertarian Party onto the center stage in American politics would be small indeed. But happily that is not the case. Every indicator points to a growing disenchantment with the two party system. People clearly are looking for an alternative.

The growth of non-voting

Consider the 1976 presidential election: What we had was a constant stream of media announcements that the race was going right down to the wire, that it was going to be neck and neck and that *your vote will count*. The result? Nearly 70 million eligible voters got so excited by this brilliant political horserace between Jerry Ford and Jimmy Carter that they decided to stay home on election day. Forty-five percent of the electorate didn't bother to vote in 1976. Who are these non-voters? Interestingly enough, according to a recent book written by Arthur T. Hadley called *The Empty Polling Booth*, the old stereotype of the non-voter being a poor illiterate is no longer true—if it ever was. Today's non-voter is, in fact, demographically very similar to today's voter. For instance, asked whether or not they had a high degree of cynicism about government, 56 percent of the non-voters replied yes. Encouragingly, 51 percent of the voters said *they* were cynical. As far as political self-description is concerned, there is again a similarity, although the non-voters seem to be somewhat smarter than the voters. Voters described themselves this way: Twenty-two percent said they were Republicans. Thirty-nine percent said they were Democrats. And 38 percent said they were independent or something else.

For non-voters, it went this way: Twelve percent said they were Republicans. Thirty-three percent said they were Democrats. And a majority, 54 percent, said they were independent or something else.

It seems to me that the significance of the similarities between voters and non-voters lies in the huge number of independents in both categories and in the serious decline in loyalty, even among those who still identify with one of the major parties. This is how the author of the study, Arthur

of non-voters:

Voters by their nature and by the act of voting have made a commitment to a party, a cause, and an idea. They make basic shifts in their allegiances slowly, if at all. Non-voters hold no such convictions. They can shift views or form alliances suddenly, dramatically. Because of the present large pool of non-voters, the future of our country could substantially change in any coming election.

Are there enough non-voters to precipitate such a change? Mr. Hadley continues: "History appears to indicate there is a critical mass, close to 50 percent, which the numbers of non-voters must reach for great political change to occur." In many areas of the country, of course, that critical mass has already been achieved. But social and political change will not come about by accident. Simply because a majority of Americans are turned off by the Democrats and Republicans, that does not guarantee they will turn to the Libertarian Party.

But here, too, there are clear signs of encouragement. One of the reasons the voters do not like the two major parties is because Democrats and Republicans don't stand for anything other than the present system of *political* control of society. People are mad at the government, and because the parties stand for nothing they are perceived as being nothing more than *extensions* of government. The decline in major party ideology began with the elections of 1896 and has proceeded apace since then to the present, when leaders of both parties proudly point to the fact that they don't stand for anything. They are "pragmatic," which is to say they can be bought by any pressure group that wants them. But more and more people are getting wise to the system.

I recently was invited to participate in a panel on the future of the two party system, sponsored by the Coro Foundation of San Francisco. I was, needless to say, happily optimistic about the imminent demise of the two party system. My fellow panelists—both top officials in their respective major parties—were desperately concerned that I was right. The interesting upshot of the panel was the suggestions proffered by these establishment politicians as the means with which to save the two party monopoly. The suggestions ranged from increasing political patronage (an idea from the Republican, who thought it would increase party loyalty) to a complex formula for electing more representative delegates to the national party conventions. Not once was the question of party platform and principles addressed. As the major party panelists saw it, the obvious disillusionment with the major parties could not possibly be a result of the *policies* of those parties; it must surely be a question of how they were distributing the power. Such is the level of major party strategy these days.

Coalition politics as opposed to principled politics was an outgrowth of the days of machine politics. Votes of special interest groups could be delivered virtually *en masse*. The result was a mad scramble to compromise on any and every principle the party stood for in order to put together a majority coalition.

Today the system doesn't work—partly because it has led to economic stagnation and social repression and partly because the electronic media have brought campaigns into the home. People can decide for themselves. And what they are deciding is that they want something different from what they are being offered by those institutions they correctly perceive as being nothing more than extensions of government.

In a recent article in the *New York Times*, Richard D.



Lyons wrote that "Americans in growing numbers are turning a deaf ear to the pronouncements of public officials . . . the reason for this apparent public contrariness is not precisely known, but a sampling of the opinion poll-takers and scholars suggests that the cause may be a deepening suspicion of government in particular and authority in general." But aren't the reasons for this "public contrariness" really quite obvious? The bipartisan lies about Vietnam that led to the deaths of 50,000 young Americans; the exposure of political amorality and gross incompetence in the Watergate tapes; the demonstrated inability of economic policy-makers to control inflation and unemployment; the bone-crushing level of taxation. How much evidence does one need to understand why most Americans are challenging government authority?

The libertarian position on the issues

The point is, of course, that if the public is against government power and authority, have we ever got a deal for them! Quite aside from the Libertarian Party's appeal to the heritage of liberty which all Americans share—we are after all, the only party that says you own your own life and may live it in any manner you choose, a point which should logically give us a step up on the competition—there is also the fact that on issue after issue it is becoming increasingly clear that the *Libertarian* position is the only one that makes sense.

One need only examine a few issues to demonstrate this point. Take, for example, inflation. I don't have to tell the readers of this magazine that inflation is not a rise in prices but a depreciation in the value of the monetary unit. But somebody ought to tell the leaders of both major parties. In their speeches and statements they always talk about the ways of controlling price and wage increases. Perhaps they also believe wet pavement causes rain. But as long as these politicians insist on using the government printing presses to pay off their favored special interests, we will have inflation. As long as the major two parties are in office we will have inflation. If we want to end inflation we need a *three* party system.

The Energy Crisis is another example. For years the government bureaucrats have followed the most counter-productive energy policy imaginable. Of course we know that a free market and no government energy policy at all will solve the energy crisis, but the amazing thing is that in

the government's alleged attempts to increase energy supplies and hold down prices they have developed a virtually unblemished record of doing just the opposite! And what is the Democrat's answer? Create an \$11-billion welfare program called the Department of Energy, in which some 20,000 bureaucrats while away the time figuring out ways to create lines at gas stations! The Republicans, not to be outdone, issued a statement earlier this year saying that the problem was the Energy Czar James Schlesinger didn't have enough power. Can you imagine that? *Not enough power?* Julius Caesar should have had such power! But, no, the Republicans want a *Super* Energy Czar. And now both parties are pushing for an "excess profits" tax on oil companies at a time when it is being argued that those very companies aren't producing enough oil! As long as the major two parties are in office there will be an energy crisis. To solve the energy crisis we need a *three* party system.

The issue of taxation is another problem with which the major parties seem incapable of coming to grips. A poll by the University of Michigan's Center for Political Studies in 1964 showed that 48 percent of Americans agreed with the statement that "Government wastes a lot of tax money." Last year the same poll showed a percentage of 77 percent. And the roar from California's Proposition 13 actually got to a level so loud that the *politicians* heard it. Their response? Slowing the *growth* of government. Neither party has even hinted that it might be wise to cut the *size* of government. The Republicans, who are fond of talking about limited government while padding the defense budget by another \$10-billion, have latched on to the insidious proposal put forth by the National Tax Limitation Committee. Headed by reactionaries like Lew Uhler and Bill Rickenbacker, the NTLC is putting forth proposals at the state and federal level which would actually *institutionalize* the present size of government. And these Republican types have the audacity to do all this in the name of the tax revolt—the very libertarian movement that was created *because* of the present size of government! But the people want tax cuts, not slower increases.

Many Libertarian Party activists were involved in the heroic Proposition 13 victory in California. I remember one incident in which Roy Childs was debating a representative of Common Cause (you know, the *people's* lobby) on Proposition 13 before some 200 people in a small town in northern California. Roy was mopping up the floor with this wretched defender of state oppression when, with his

back against the wall, the Common Cause man pointed a finger at Roy and blurted, "*Of course* he's for Proposition 13—he's a libertarian, he's against all taxes!" To which the crowd responded with a massive cheer.

The politicians from both major parties make their living by spending *other* peoples money. They don't want to cut taxes. As long as the Republicans and Democrats are in office we will not have tax cuts. In order to get real tax cuts we need a *three* party system.

Libertarians bring a unique approach to foreign policy. Here we have a situation in Congress that is explicitly bipartisan (as opposed to implicitly so). Our foreign policy of intervention and militarism has been followed by the administrations of both parties for decades. In Iran, we supported a bloody despot and have ended up having the whole nation hate us. In Vietnam, we spent billions of dollars, snuffed out 50,000 young American lives—all in the name of anti-communism—and then turned around and embraced Communist China on economic and national security grounds! This bipartisan policy has also precluded any meaningful progress toward disarming the nuclear powers of the world. The risks of nuclear war increase each year as the arms race escalates and as Democratic and Republican politicians from districts housing the military-industrial complex compliment each other on the latest increase in the Pentagon budget—a budget, incidentally, that approaches \$130-billion, fully 60 percent of which is specifically designed to defend nations other than the United States. As long as the major two parties are in office we will run the risk of war while disrupting the domestic economy with a huge military budget. If we want to return to the sane libertarian foreign policy of friendly relations with all nations and entangling alliances with none, we will have to have a *three* party system.

Education is another problem that requires a fresh approach. For the past 14 years our public school system has produced the following results: The College Entrance Examination Board's Scholastic Aptitude Tests show the average verbal scores down 16 percent and the average math scores down 9 percent. This was accomplished while per pupil expenditures were rising (in *real* terms) from \$830 a year to \$1,360 a year. To compound this travesty, pupil/teacher ratios actually *dropped* from 25-1 to 18-1. While the Democrats seem unconcerned over these problems, Republicans are desperately trying to figure out how to "save" the public school system. Libertarians, on the other hand, with a series of proposed tax credits for private education, are trying to save our *children*. We will always have the injustice and wasted lives generated from our government school system as long as the major two parties are in office. If education in America is ever again going to be a creative, learning experience we must have a *three* party system.

Now consider Social Security. This misnomer currently, by *government* estimates, carries an unfunded liability of—depending on who you listen to—anywhere from \$6-trillion to \$17-trillion. What is our national debt that everyone is so upset about? \$800 billion? Whatever it is, the Social Security system makes it look like peanuts by comparison. The Social Security Administration projects that by the year 2050 payroll taxes will amount to 30 percent. When today's college students retire, workers will be paying their benefits through 24 percent payroll taxes. Or will they? How much will the American worker put up with? The Social Security system is in a state of crisis and on the verge of financial collapse. The sooner we get rid of it the

better off we will be—particularly the older people who are being cruelly tricked into believing money is there for their retirement. Of course there is *one* group of people who *aren't* being fooled. A February 9, 1979 article in the *San Francisco Chronicle* entitled "U.S. Workers Here Protest Social Security Plan," began "Hundreds of worried federal employees jammed a hearing in San Francisco yesterday and lambasted proposals to require government workers to join the Social Security system." Later it continued, "By law, federal employees do not contribute to or get benefits from Social Security. Instead, according to a spokesman, they have their own pension program with better benefits." The rest of us are coerced into pouring money into a retirement plan that can't possibly pay-off its not-so-attractive benefits in the future. Here again the Democrats and Republicans are calling for higher taxes to save a hopelessly bankrupt system that never should have been implemented in the first place. If we want to return responsibility for retirement income to the private sector where it belongs, we need to have a *three* party system.

There are, of course, many other issues one could discuss and come to the conclusion that what is needed is an additional major party. Let me conclude with what for libertarians is a primary issue. That is the question of the draft. Again we have bipartisan support for what libertarians know is nothing less than slavery. We also know that the reason the draft is being raised from its well-deserved grave is because of our bipartisan foreign policy of intervention. Eventually, the Democrats and Republicans may reinstate slavery for young people. One thing is sure: as long as the two major parties are in office the draft and war will be waiting in the wings. If we want to deny the state ownership of young people and protect the world from a nuclear holocaust, we need a *three* party system.

So there you have it. The subjective conditions needed for a three party system exist and so do the objective conditions. Many people have commented on the fact that major political change is in the wind. Not all of them are aware that the Libertarian Party is going to lead the coming new direction in American politics. But listen to Curtis Gans, writing in the *Washington Monthly*:

One way to reverse the decline in voter participation is to bring about a reawakening of party loyalty. This means that the parties will have to redefine themselves in such a way as to inspire loyalty again. This redefinition of parties might be done along conventional liberal/conservative lines, but it doesn't have to be that way. What is needed are new approaches to meeting the problems this country faces today.

And listen to Michael Novak, a resident scholar at the American Enterprise Institute who recently said, "Many voters seem to be waiting for a new political direction." Indeed they are. As Novak puts it,

One can feel new possibilities stirring. But the precise issues, the catalyzing concepts, and the creative cadre of the leaders who might forge a new historical coalition are not yet in sight . . . Thus, the progressive, liberal tendencies of the American people—even of our conservatives—await new political definition.

I would disagree with Mr. Novak on only one point. The leaders of this new political direction *are* in sight. They are meeting in Los Angeles this September. □

Ed Crane is the president of the Cato Institute, the publisher of *Inquiry*, a member of the National Committee of the Libertarian Party, and was that party's Chairman from 1975 to 1977. This article is based on a speech delivered at the Libertarian National Committee meeting in Raleigh, N.C., May 5, 1979.

The U.S. was founded by a group of individuals who rebelled against the oppressive policies of King George in England. Today, this same spirit of independence, a uniquely American phenomenon, underlies a growing displeasure with government tax and spending policies. This viewpoint is a healthy sign. Our society can remain the freest and most prosperous in the world if government power is held in check by us, the citizens who make up the country. Recent passage of laws (such as Proposition 13) are an indication of a growing wave of protest against wasted tax dollars. The effort is getting stronger and more vehement every day.

The largest tax each one of us pays is Federal Income Tax. Yet, the largest corporations and the wealthiest individuals often pay the least amount of tax. According to an article in a leading newsletter, 17 huge corporations paid no federal income tax in a recent year, although they had a world-wide income of \$2.5 billion. Numerous tax loopholes were used. The list includes United States Steel, Bethlehem Steel, Armco Steel, General Dynamics, Singer, Phelps Dodge, American Airlines, Philadelphia Electric and The Chase Manhattan Corporation. The burden caused by these non-taxpayers must be assumed by "somebody." "Somebody" is always the wage earner. There is, therefore, a major inequity under the law which favors the wealthy and, most especially, corporations. In America today we have what could be called a "Corporate Society."

Some individuals have become so upset with these startling inequities, they have stopped paying taxes and have in many cases even ceased to file tax returns. This approach, however, is fraught with danger and has resulted in stiff fines or prison sentences when the government locates and prosecutes the courageous individuals.

You Can Become Part of "The Corporate Society"

Rather than break the law and suffer serious consequences, there is a safer and more viable alternative. You can use the same type of smart thinking as those who own and control great wealth. The big corporations are not necessarily immoral. However, they do get the best advice available on tax matters.

You, as an individual, can now use all the tax loopholes for your own self interest. Thus, you legally gain the advantages yourself as do the huge corporations. Rather than break the law, you can use it to your advantage. Perhaps the best way to accomplish this, as well as reduce your tax burden is through incorporation, the legal form of tax rebellion.

Surprisingly enough, the government encourages incorporation with a number

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Wage Your Own Personal Tax Revolt

Like the early pioneers who started this country, many people are rebelling against the near confiscatory taxation at all levels of government. The federal government consumes the taxpayer's cash at the rate of over \$800,000 per minute, and the amount that is wasted is scandalous. The citizens are mad as hell and they're not going to take it any more.

There is but one answer left!

of favorable laws, especially in the area of taxation. In fact, it is rare to find a successful individual who is not incorporated. Incorporation is favored by nearly all millionaires. It is one of the causes of wealth, not its effect. Think about it. Can you think of a single wealthy individual who doesn't own and control his own corporation? It is rare indeed. Let's face it, the first step toward achieving the American Dream in our corporate society is probably incorporation.

To add even more impetus to the idea of starting your own corporation, passage of the Revenue Act of 1978 makes incorporation the ultimate tax shelter. This act and the earlier ones close the door to practically all other tax shelters and loopholes. The tax rate on corporations (especially smaller ones) has been substantially reduced, to as low as 17%.

Favorable laws such as the investment tax credit are most helpful when buying equipment. Even if you incur losses in one year you can deduct those losses over several profitable years.

More Advantages...

You can set up a corporate medical plan wherein you deduct from your taxes every dollar spent on medical and dental care, drugs, and health insurance for yourself and your family. You can also get tax deductible group life insurance even if the "group" consists of only one person.

It is important to note that potential tax savings are not the only reason to incorporate. Another chief value is that it limits your liability to the assets of the corporation in the event of a lawsuit. If you do business as an individual or partnership, you can be sued personally,

"Over and over again courts have said that there is nothing sinister in so arranging one's affairs as to keep taxes as low as possible. Everybody does so, rich or poor; and all do right, for nobody owes any public duty to pay more than the law demands; taxes are enforced exactions, not voluntary contributions. To demand more in the name of morals is mere cant."

Judge Learned Hand

which could put your house and other assets in jeopardy

You can put more money (25% and more of income) into your corporation pension plan. This is more than a traditional "Keogh" plan which has a maximum contribution of \$7,500 a year, or even an I.R.A., where the maximum that can be sheltered under special circumstances is only \$1,750.

In these times of growing inflation and periodic ups and downs of the economy, your own corporation is probably the only way that you may maintain control over your economic destiny. And you can often benefit from incorporation without leaving your present job. More about that in a moment.

You Can Incorporate Simply, Easily and Inexpensively.

Up until now, throughout the majority of history, incorporation had one major drawback: high legal fees. Lawyers today charge stiff fees, up to \$2,500 for incorporation. The truth is that you can easily incorporate yourself for under \$50. A remarkably easy and inexpensive method of incorporating is contained in a book called *How To Form Your Own Corporation Without A Lawyer For Under \$50*. It comes complete with all the tear-out forms required to start your own corporation... minutes... bylaws... everything you will ever need. The author, Ted Nicholas, has helped thousands of people start their own corporations and has saved them millions of dollars in the process — and many millions more in taxes.

It is very easy, and we will show you how. We'd like to send you a copy of *How To Form Your Own Corporation Without A Lawyer For Under \$50* for a free thirty-day trial — without risk or obligation on your part. If, for any reason, you're dissatisfied, simply return it for a full refund of your purchase price. We'll also send you a free bonus: The Income Plan — an astounding report that tells you exactly how to turn your present career into a tax-sheltered corporation. The Income Plan — a \$9.95 value — is yours to keep *absolutely free*, even if you decide to return the incorporating system.

To receive your copy of *How To Form Your Own Corporation Without A Lawyer For Under \$50*, write your name and address on a piece of paper along with the words "Corporation Book & Bonus" and send it with your check or money order for \$14.95 to Enterprise Publishing Co., 501 Beneficial Building, Dept. LR-99C, Wilmington, Delaware 19801. Send for the system now. Let us help you wage your own personal tax revolt. Important note: The full price of the book is tax deductible. Act Now!

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BOOKS AND THE ARTS

Murder Incorporated

MARSHALL E.
SCHWARTZ

Irrevy: An Irreverent, Illustrated View of Nuclear Power, by John W. Gofman, Committee for Nuclear Responsibility (Main Post Office, Box 11207, San Francisco, California 94101) 248 pp., \$3.95.

LIBERTARIANS with an activist bent are faced with a plethora of outlets for their energies among the mass movements of the 1970s—the Jarvis/Gann-inspired tax revolt, the anti-draft movement, the efforts to legalize marijuana, and the gay liberation movement, just to name a few. All of these issue-oriented coalitions

can be heartily supported by libertarians, although some of the proposed “solutions” offered by their leaders are just more statist claptrap that only will produce more restrictions on freedom and liberty than they alleviate.

But one of the most fundamentally libertarian movements of this decade is not on this list: namely, the mounting attack on nuclear power. From a libertarian viewpoint, the tax revolt is fighting against theft, the anti-draft campaign against slavery, the gay rights movement against coercion and scapegoating, and the marijuana legalization organizations against economic repression. However, as physicist-physician-activist John W. Gofman succinctly points out in *Irrevy*—a collection of speeches he has made at anti-nuke rallies in 1977 and 1978, and two earlier addresses—the anti-nuclear-power movement is fighting against something even more fundamental: the “premeditated random murder” of hundreds of thousands, if not millions, of American citizens by their government, with the generous assistance of the “public” utilities and such bastions of the Corporate State as Westinghouse, General Electric, and Kerr-McGee.

As several articles in last month’s special issue of *LR* pointed out, nuclear power

is totally a creature of the state. On the one hand, in order to control the technology which is necessary for the building of nuclear weapons, the U.S., the U.S.S.R., Britain, France, India and China (among others) have made nuclear power a state monopoly, and have made true private ownership illegal. On the other hand, state promotion, sponsorship, financial subsidy, and protection are the only things that have made electrical generation with nuclear power economically viable. In a free market, the capital and insurance costs of nuclear power plants would have been prohibitive. But now, through the miracle of government, we all pay for the not-so-wonderful privileges of a nuclear society through exorbitant utility rates, taxes, and inflation. You can never expect government to “solve” the problems of nuclear power, because government is the cause of these problems.

Gofman makes all these valid libertarian points in *Irrevy*, but he doesn’t stop there. Citing the radiation hazards created by even the normal operation of nuclear power plants—including the mining of uranium, which releases radon gas that can have deadly effects millennia from now, not to speak of tomorrow or next year, and the disposal of nuclear wastes, buried in containers that have leaked too many times in the past to trust them in the future—he concludes that even if nuclear power were developed by private industry, with no overt or covert government support, it would be illegal under the fundamental rule of law because it *randomly kills innocent people* and threatens genetic damage for generations to come.

Thus, he declares, it is not only our right but our *duty* to prevent the opening of any more nuclear power plants and to force the clos-

ing of those plants now in operation. He bases this claim on the Nuremberg Principles, formulated by American jurists barely more than three decades ago, but apparently long since forgotten by the rulers of America’s Corporate State:

If the Nuremberg Principles were applied in our courtrooms, it would mean that those who refuse to stand by “like good Germans” while random murder by radiation is planned—indeed, who refuse to be *accomplices* in the program via their taxes—these defendants would be tried before juries who would have the right to rule that such defendants were *not* breaking the law, because they were obeying a higher law. . . . Until the Nuremberg Principles are established in this land, laws can force us to violate our deepest religious or ethical beliefs—making a travesty of freedom. . . .

At the Nuremberg Trials, the United States declared that this sham of using “laws” to subvert justice was a heinous crime, and we meted out severe sentences to judges who had used Nazi “laws” as a shield for the crimes which they (the judges) had committed from the bench. If the Congress of the United States can permit the Nuclear Regulatory Commission to deprive people of life without due process of law, and if the Supreme Court turns its head from realizing this, as it did in declaring the Price-Anderson Act [which limits the liability for any nuclear “accident” to \$560-million] to be constitutional, where are the guarantees that far worse injustices and violations of human rights will not be carried through in the future?

All this follows from fundamental libertarian theory. In discussing air pollution in his “libertarian manifesto,” *For a New Liberty*, Murray Rothbard concludes:

The vital fact about air pollution is that the polluter sends unwanted and unbidden pollutants—from smoke to nuclear radiation to sulfur oxides—through the air and into the lungs of innocent victims, as

well as onto their material property. All such emanations which injure person or property constitute aggression against the private property of the victims. Air pollution, after all, is just as much aggression as committing arson against another's property or injuring him physically. . . . The major function of government—of courts and police—is to stop aggression; instead, the government has failed in this task and has failed grievously to exercise its defense function against air pollution.

It's worse than that, Murray—the government has failed to prevent these radiation assaults and prosecute those who commit them because it has itself been the perpetrator of such assaults in all instances!

Gofman's basic argument hangs on his claims of the danger of nuclear radiation, even at levels declared "safe" by our self-avowed protectors, the government.

If only one part in every thousand of nuclear waste (including the 250,000 tons of tailings from uranium mines needed to power just one nuclear plant for a year) were to escape, and assuming that a thousand plants were operating in this country, "we will in time add roughly 198,000 extra fatal cancers annually in the USA alone for each year such plants operate," he calculates. Even if only one part in every one hundred thousand were to escape, 1,980 more deaths would ensue. And such fantastic feats of containment—such elegant "technological fixes"—have not yet been achieved.

All right, you say. Gofman's argument is logical if this basic assumption of danger can be proven valid. But what about all the government's safety claims? What about all those "safe radiation levels" it has

proclaimed over the years? What about the fact that background radiation exceeds the amount of radiation added by nuclear plants, that man has always lived in a sea of radiation? Who is Gofman that we should believe him?

Try these credentials on for size: In the course of studying for his Ph.D. in physics from U.C. Berkeley (a Ph.D. which he received in 1943), he helped isolate the world's first milligram of plutonium, for the Manhattan Project. His dissertation was on the discovery of Pa-232, U-232, Pa-233, and U-233. Three years later, he earned his M.D. from the University of California, and in 1947 he joined the Berkeley faculty in the Division of Medical Physics. He was appointed full professor in 1954, shifting to emeritus status in 1973. Gofman was founder and first director of

the Biomedical Research Division of the Lawrence Livermore Laboratory (1963-1965), and associate director of the labs from 1963 to 1969. He has received many awards for his research in cardiology, including the Stouffer Prize in 1972 (for research in arteriosclerosis) and selection by the American College of Cardiology in 1974 as one of the 25 leading researchers in cardiology in the previous quarter-century.

If this is the case, you may rightly ask, why does the government ignore his claims—especially since he seems to be the most qualified person in the world on these issues? Gofman himself once had the same notion, until the AEC (this was back in pre-NRC days) told him and his colleague Arthur Tamplin, in effect, to shut up. The two of them first issued their charges of



radiation hazards in 1969, in a paper they presented at a section meeting of the IEEE (Institute of Electrical and Electronics Engineers) in San Francisco. Within a few years, after too many battles with the AEC bureaucracy, Gofman quit trying to persuade it. The AEC never presented any solid scientific evidence to counter the Gofman-Tamplin charges that "safe" radiation levels—if reached—would lead to hundreds of thousands of additional cancer deaths each year. It just didn't want the world to hear those charges.

But even the weakest part of the Gofman-Tamplin argument has since gained general acceptance within the scientific community—even from the NRC itself. That point is the question of "threshold dose"—whether a *minimum* dose of radiation was needed before any health effects could be observed, or whether *any* dose might produce damage, whether teratogenic or carcinogenic. It is now acknowledged that *any* dose of the high-energy radiation emitted by any part of the nuclear power/weapons industry is dangerous. (Note that it's *high-energy* radiation which presents serious hazards, not the low-energy radiation so omnipresent on earth.) Your chances of something untoward happening to you after a 1200 millirem dose (about the average dose received by those affected by the Three Mile Island release) are the same whether you get that dose in one day or in ten years. Your chance per *year* is a lot greater if you get the dose in a shorter period, but your overall chance of radiation damage is the same. And that's just what's going on across the United States and in all those foreign countries to which we have exported our nuclear miracle. Radiation leaks—whether in mining, processing fuel, transporting it to

the plant, in normal operation of the plant, in an accident, in transporting waste to a storage site, or in leakage of buried waste—are occurring constantly, and committing "random murder." As Gofman observes, we can't pinpoint *which* cancer deaths can be attributed to nuclear radiation. No "little flags" pop up on the radiation victims; they simply die like anyone else who gets cancer. But just because there are no "little flags," that doesn't mean there are no victims. We know *how many* there are, just not *who* they are.

Gofman's arguments are solidly based on and carefully constructed from libertarian theory. But that isn't the only reason that reading *Irrevy* is such an unalloyed pleasure for a libertarian. Gofman goes further, examining the underlying reasons for this cavalier and secretive destruction of human life. And his analysis should draw the hearty approval of all revisionist historians.

Gofman begins with a fairly basic libertarian analysis of the state as we know it:

With essentially no exceptions I am cognizant of, societies are operated by and for the interests of the privilege-elite. That is true whether the societies are called free-enterprise, capitalist, socialist, communist, or by some other name. The operation of the society is still the same, namely the *maintenance* of privilege for its elite, and the *extension* of privilege for its elite.

But how does this principle apply to nuclear power? The general rule has been outlined by many libertarian theorists, for example, by Murray Rothbard in his essay, "War, Peace and the State" (*The Standard*, April 1963, reprinted in *Egalitarianism as a Revolt Against Nature and Other Essays*, Libertarian Review Press, 1974):

[The] use of violence to obtain its revenue (called "taxation")

is the keystone of State power . . . The State also takes care to arrogate to itself the compulsory monopoly of various critical services needed by society, thus keeping the people in dependence upon the State for key services, keeping control of the vital command posts in society and also fostering among the public the myth that *only* the State can supply these goods and services. Thus the State is careful to monopolize police and judicial services, the ownership of roads and streets, the supply of money, and the postal service, and effectively to monopolize or control education, public utilities, transportation and radio and television.

Gofman fills in the gory details for us. First in England in the eighteenth and nineteenth centuries, and then in the United States in the early years of the twentieth century, free enterprise, innovation, and entrepreneurship made some significant inroads on centralized state control. But, to the state and to the "privilege-elite" the struggle for liberty had gone too far. So, Gofman explains,

[W]e now find the massive conglomerates of corporate power endeavoring to bring one segment after another of the economy *under their centralized control*, so that they can insure themselves a guaranteed profit, at the expense of the larger public, from each segment of the economy. . . . It is not the bigness which is at issue. It is, rather, the setting up of our economy in a manner such that, at every turn, the privilege-elite has an absolute guarantee that all members of the public PAY THEIR TITHES. And the tribute-payment is steep, and getting steeper with every passing day.

And what better way to insure this guarantee than to gain centralized control over the most vital resource of any industry: energy.

Nuclear power is just what the doctor ordered. It provides guaranteed centralized control; it won't *ever* be a do-it-yourself technology; and every dollar poured into the super-costly nuclear electricity option helps

foreclose the development of challenges from decentralized energy systems. It is indeed ideal! And that is why the ERDA is so pleased to spend just about everything it *can* on this technology. What better way can ERDA's devoted boot-lickers hope to curry the favor of their masters? . . . That the Congress and the Executive Branch of government lend their full support to this insanity is not at all surprising, once one is clear in his head that these branches of government have *nothing to do with* serving the best interests of the larger public. They never *have* had, and they don't *now*.

Of course government tries to make it *appear* that its actions *are* serving the "best interests of the people." Thus, American citizens are bombarded with the lies and propaganda which tell us that atomic energy is beneficial for the American and world economy, when in fact it is a gigantic boondoggle and an enormous drain on our pocketbooks. And not only are the health dangers—and "premeditated random murders"—of atomic energy suppressed, but accidents are often covered up, or redefined out of existence by the semantic expedient of gobbledygook: "material unaccounted for (MUF)," "migration of radioactivity," "plutonium infiltration," and that old favorite, the "incident."

What is more astounding—but equally believable—is the amount of energy available *right now* from *decentralized* power sources. Gofman points out that the potential energy available in the United States from co-generation of power (i.e., by using steam which is generated by numerous industries as an otherwise-discarded by-product to generate commercial electricity) was estimated last year (by a Princeton researcher) to equal that of "208 giant nuclear power plants." And a 1975 ERDA report declared that "solar energy

falling on about three percent of land, if utilized at ten percent efficiency, could meet the total projected U.S. energy requirements for the year 2000." But when government officials do decide to promote alternatives to nuclear power, they only seem interested in other *centralized* power sources.

Gofman rightly declares that his stand is *not* anti-technology, but he insists on the need to spell out the criteria of what makes a particular technology acceptable or not under basic concepts of justice. Here, libertarian theory can provide the answers he wants. Any technology violates the libertarian rule of law if, by its very nature; it *must* cause injury or death to individuals who have not chosen to commit suicide. Thus, nuclear power is inherently *illegal*. A technology that can be used to murder people (e.g., firearms, poisons, or even knives and swords) must be considered *legal*, because a volitional act is required before someone is injured or killed by it. It's not the technology that is at fault, but rather the individual who violated someone else's property rights (in this case, ownership of one's body).

While Gofman believes that possession of nuclear weapons—for reasons parallel to his arguments on nuclear power—is also inherently illegal, he does not support unilateral American disarmament:

I believe interference with the nuclear capability of ONLY the United States would be an invitation to holocaust. . . . Although *possession* of nuclear weapons is certainly a violation of human rights, I think NOT possessing them at this time would result in an even greater violation of human rights, by inviting either nuclear incineration or Soviet enslavement of 3-billion additional people. Either we learn how to take military hardware and toys out of the hands of power elites EVERYWHERE, or we are

getting nowhere on this problem.

Oh, there are a few small failings in Gofman's book from a libertarian viewpoint: his argument against free speech for Nazis is one example, and his comments on the risk/benefit analysis of nuclear power indicate that Gofman himself could benefit from reading Rothbard's "Toward a Reconstruction of Utility and Welfare Economics." But *Irrevy* is, above all, a rousing, well-reasoned, libertarian polemic, a clarion call to action for all of us joined in the struggle for liberty, against State oppression. We must truly make the anti-nuclear movement our own, and not let it suffocate in a miasma of statist "solutions." We must, as Gofman declares, "see the anti-nuclear movement in its larger context, on the cutting edge of a far, far bigger movement for justice throughout the whole human species and toward the other species on this planet."

LR Contributing Editor Marshall E. Schwartz has been writing about nuclear energy since 1969, when he interviewed John Gofman on an assignment for the *San Francisco Chronicle*.

An unprincipled defense

DAVID H. PADDEN

The Attack on Corporate America: The Corporate Issues Sourcebook, *edited by M. Bruce Johnson, Law and Economics Center, University of Miami. McGraw-Hill Book Company, \$14.95.*

THERE IS NOTHING wrong with this book that a good dose of libertarian orientation wouldn't cure. My own dog-eared copy, full

of scribbled marginal notes of both a laudatory and a censorious kind, is bedewed with frustrated tears shed in the realization of what might have been.

Perhaps this book is simply the best book that could be written in defense of the American corporation at this time. It brings together approximately 40 different scholars, is meticulously edited and referenced, and is published under the dual and influential imprimaturs of the Law and Economics Center of the University of Miami School of Law and the McGraw-Hill Book Company. It is *not* to be envied by libertarians, but to be used as a model and as a point of departure for libertarian scholarship of a more penetrating kind.

I would urge you to read this book, then imagine that it carried an introduction demonstrating that *every* intervention is a disutility, that human rights—particularly rights to property—reside in persons *because* of their humanity, and that *all* capitalist acts between consenting adults are permissible. Then reread the book and let your mind carry you, not necessarily to different solutions than those found to the knotty questions posed in *The Attack on Corporate America*, but to solutions based on a fundamental of principles.

An example of the lack of libertarian perspective is to be found in one of the book's earliest chapters, when Robert Thomas of the University of Washington sets out to answer the question, "Does the corporation operate without the consent of affected citizens?" Answering Ralph Nader's assertion that, "industrial pollution today accounts directly for one-third of all solid wastes, one-half of all air pollution, and more than one-half of total water pollution," he writes,

. . . it does lead one to ask what persons or institutions account

for two-thirds of all solid waste, the other one-half of air pollution, and somewhat less than one-half of all water pollution. Are not these persons or institutions equally "guilty" of acts that have nonmarket impacts, that do not have the consent of affected persons? Clearly, the "guilt" is shared, and, just as clearly, the existence of giant corporations in and of itself does not create nonmarket impacts.

Expanding on this theme, he points out the example of a paper mill which must bargain with its customers, suppliers, and employees, but need not bargain with the downstream users of rivers into which it dumps its wastes. Recognizing its self-interest in so acting, he states,

The problem of most nonmarket impacts stems not, as some suggest, from the existence of giant corporations but rather from the existence of resources that remain as common property. The ultimate solution to environmental problems is *not* to place more fetters on large corporations, which account for only some pollution. The solution is to eliminate the common property ownership of water and air.

So far, so good, but then he goes on to state,

Only the government, which is responsible for creating and enforcing property rights, can do this. The government has many alternatives for resolving nonmarket impacts. The government could grant individual citizens or institutions private property rights to resources now held as common property. Failing that, the government could declare these resources to be publicly owned and either limit access by imposing standards upon all users or charge each user in proportion to the damage done or the cost that the private use of the resources places on others.

The government *creates* property rights? The government *grants* property rights? The government *declares* public ownership? And in its infinite wisdom, can determine damage and

cost? Oh, yes, this series of solutions gets the monkey off the back of the corporations. But by not developing a rationale for property entitlements, the author opts for a political solution—which is precisely what created the problem in the first place.

Such is the ambivalent nature of this book that the authors frequently offer solutions which would create even greater problems. Many chapters are tightly and incisively argued in behalf of market solutions. But oftentimes, even in these cases, the discussion is not carried far enough. The authors rely heavily on cost/benefit analysis. This is an excellent technique excellently demonstrated throughout the volume, but it will not satisfy. Have we not learned from socialist visionaries or from environmental lotus-eaters that no cost (especially with other people's money) is too great for the dreams that they dream?

For instance, almost immediately following the chapter referred to above, Arleen Leibowitz of the Rand Corporation treats a related subject under the title, "Are Corporations Undemocratic, Private Minigovernments?" Her analysis, though quite perceptive, comes up short because the entire book lacks a schematic framework in which a value system is propounded and defended. She effectively traces the options open to shareholders and observes the effect of these options on capital markets. She makes keen observations on information costs to shareholders and on the likely courses of action available to shareholders to avoid these costs. The point is made here, and often throughout the book, that it is cheaper for dissatisfied stockholders to change their stockholdings than to change managers. The effect is to lower the market price

of the stock, the result of which is frequently a takeover by a corporation with more efficient management. The other practical consideration is that stockholders are unwilling to take an active role in the management of corporations; they are unwilling

poration.

Notice the difference in the approaches of Thomas and Leibowitz. One sees politicization as the way out; the other apparently views it as an unmitigated evil. But why is it an evil? On what principle should one prefer the market solution to

takes up seven chapters of the book, is again illustrative of painstaking analysis partially nullified by failure to carry the examination far enough. In this section, the corpses of Ralph Nader and his minions seem to lie strewn on the verbal battleground.

In the first of the seven chapters, Robert B. Eklund, Jr., of Texas A. & M. University concludes that, "Federal chartering, as proposed by Nader et al, has more potential for supplying to business special privileges and entry control, the only viable sources of monopoly, than any legislative act since the mercantile era." James S. Mofsky, of the University of Miami sees general incorporation as a development which supplanted an earlier system of grants and privileges. Donald Martin, also of the University of Miami, says outright that the motive for chartering is just another scheme for redistribution of wealth and power through a process of politicization. And finally, in a chapter discussing reviewing of charters for renewal or cancellation, Leibowitz says it all: "The renewal proceeding might be subject to real abuse by parties seeking to use the government as an instrument in takeover bids. Unscrupulous parties could bring false charges to receive from the government what they could not acquire with a tender offer."

Yet for all these excellent insights, no one dedicated to a positive role for government in commercial affairs, for whatever reasons, is apt to be persuaded by this discussion. The reason is, the discussion does not go far enough. Thomas D. Morgan of the University of Illinois suggests that sections of the Securities & Exchange Act, particularly those related to full disclosure and to fraud, "are virtually as imposing as those Nader suggests." Well, if Nader is deserving of con-



Ralph Nader

to bear the costs of decision-making. Further, in discussing the advisability of public directors, she draws out the consequent dilemma of any director who would dare to represent anyone but the owners of the corporation. Trying to be all things to all people, such directors would eventually politicize the corporation and the resulting divisiveness and vote-trading would produce results that would correspond only coincidentally with the interests of the cor-

the interventionist or political solution? If there is no underlying principle, we are left to an endless examination of concrete cases in which our only hope for the efficiency and harmony which the authors of these chapters say the market will deliver is that all cases are solved by persons of infinite wisdom, possessed of perfect knowledge, and of a moral fiber not found heretofore among earthlings.

The extensive discussion of federal chartering, which

demnation, why then isn't the SEC deserving of equal time and equal vituperation? What is lacking in this whole area of chartering is the fundamental questioning of the government's right to restrict *any* voluntary association for commercial purposes. Nader's arguments merely obfuscate the issue, and failure to treat the gut questions will allow his poor carcass, seemingly dispatched to the nether world by the superficial jousting accorded him here, to rise phoenix-like in a process of endless and unsettled obfuscation.

Mention must also be made of the slipshod use throughout the book of the terms "monopoly power" and "monopoly pricing." Loose and ill-defined use of these terms forces one to meet the enemy on his own terms. But it is the latter half of the book, which contains otherwise thorough treatments of such topics as pricing, antitrust, monopoly, and advertising, that disappointed me most in its lack of any penetrating Austrian insights.

The several chapters devoted to advertising make strong points against the charge that advertising is manipulative or that it acts as a barrier to entry because of cost. Not so, says Harry Bloch of the University of Denver, who argues that restrictions on advertising would work as a barrier to entrants not because of high costs, but because such restrictions would prevent them from even trying to gain a foothold in certain especially mature markets. John Kenneth Galbraith is brought to task by Robert Ayanian of San Francisco State University, who answers Galbraith's well-known claim that corporate advertising persuades people to buy things they do not need. In an admittedly arbitrary fashion, Ayanian tabulates advertising expenditures on a familiar list of

consumer products ranging from candy (low expenditure) to soaps (medium) to food (high), and asks the reader to draw his own conclusions.

But this entire section on advertising, though good, will not put to rest the questions it attempts to answer. The consumer may still *feel* manipulated; and, even if confronted with evidence in this book that no particular advantage accrues to corporations who advertise more than others, if his feelings still do not disappear, he is then ripe to be really manipulated by those who wish to continue the attack on corporate America. The discussion should relate to people's *experience* as Israel Kirzner does when he describes advertising, particularly for new products, as inseparable from the production/consumption process. The role of advertising, if it is to be relieved of its emotion-laden vulnerability, should be seen in a general scheme of competition which ultimately *benefits* the consumer.

The chapters on antitrust and on the role of profits are a veritable mine of useful insights. Particularly illuminating are chapters by Kenneth Clarkson of the University of Miami, Donald F. Gordon of Simon Frazier University and Professor M. Bruce Johnson, who doubles as editor of this entire collection. But then Timothy J. Muris of the University of Miami and Wesley J. Liebeler of UCLA undermine these insightful discussion in two succeeding chapters. Muris states among other things that "the case for increasing antitrust activity rests on economic grounds." Does it? Not from the noise I hear. Proponents of a strong antitrust policy seem to seek justice at any cost and remain unmoved by economic arguments. What needs to be demonstrated, over and above any economic argu-

ments, is that the market is a remarkable dispenser of consumer justice. Any form of collusive activity eventuates in overcapacity, with ruinous results to the participants. But what will satisfy consumers is a demonstration that they will force producers to dance to their tune only at such time as the most pernicious form of collusion, that between business and government, is proscribed once and for all by cultural awareness and abhorrence.

Professor Liebeler brings the book to a disappointing end when, in one of its last chapters, he probes the effectiveness of the Federal Trade Commission. His analysis is withering. He makes an absolutely devastating case against any effectiveness or even discoverable purpose of the FTC now, in the past, or in the future. He summarizes,

In truth, the Federal Trade Commission does not have any way in which to measure the benefits created, or the costs imposed, by its various programs. It does not even have a standard that it is willing to use, even in a general way, to make such judgments. The indications are that if the value of the Commission's activities were measured in terms of the effects on the welfare of consumers, those activities would be found wanting.

There has never been even a modestly serious attempt to demonstrate that the benefits flowing from the work of the FTC exceed the costs of such efforts. Thus there can be no serious argument that the activities of the FTC should be strengthened and enlarged.

But why such a pusillanimous conclusion? Merely not strengthened and enlarged? Hell, why should we be such fools as to tolerate it? Abolish it!

But I would hate to be so captious as to turn off any potential readers of this book. It is, as I stated at the beginning of this review, the finest book of its kind available today. There are chap-

ters too numerous to specify, other than those I have touched upon, that are so superbly and tightly argued as to have a lasting impact. In organization, design, layout and editorship, it is a thing of beauty. Its subtitle is *The Corporate Issues Source Book*; and before the potential reader prepares to plow through its pages, he or she should be forewarned of its encyclopedic nature. Each chapter is headed by a question, and stuffing 61 such questions into a 302-page format allows for very little excess verbiage. Each chapter is headed by a concise summary and the text is replete with both intra-textual references and references to a 464-item bibliography. (Austrians, notably Hayek, Rothbard, and Kirzner, are conspicuous by their absence.) There is unavoidable duplication of subject matter, but the range of topics is exhaustive and, if you try to read the book straight through, exhausting.

The book reflects the painstaking editorship of Professor M. Bruce Johnson. Besides contributing a pair of incisive chapters, his deft hand is seen throughout. His chapter summaries often make better reading than the chapters themselves, particularly when he interpolates and extrapolates some of the implications which a particular chapter-author himself apparently did not see. Having frequently guest-lectured to college students in courses with titles like, "Business Ethics" and "Business and Society" and "Corporate Social Responsibility," and having seen the textbooks used in these classes, I would consider it a pleasure to use this book for a course of lectures as an antidote to the palaver that is usually served up across our nation's campuses. And when that day comes when libertarian resources produce a book entitled *The Attack on the Right*

to *Associate Freely for Commercial Purposes*, I would be pleased to find Professor Johnson as its editor.

David H. Padden is president of Padden & Company, Incorporated, of Chicago.

On View

Man and superman

DAVID BRUDNOY

DO YOU WANT TO BE A macho man? The Village People, a group of noise makers whose image and sound preceded their existence as actual persons, has nicely managed to carry one of the treasured ambitions of almost every male—and we are instructed to believe that it is also an attribute of men treasured by most women—from the milieu of the street tough into the glittery disco emporia of the desperate generation. What the late John Wayne wore as easily as his six-shooters, what the mythologists of idealized Man have held up to us as the noblest ambition of every little boy, what inspires the swagger of bullies whether governmental or private—man as superman: that is the goal, and that, the unattainable desire of our age, as of many (though not all) ages past. We search in the cinema as in literature for ideal types, for heroes or for villains of Olympian magnitude; we crave an identification with those who are themselves magnified, brought to perfection, the better to achieve if only vicariously some power denied to mere mortals who decay and who die. Faust sought wisdom and a close approximation of immortality: his bargain with Old Scratch seemed a square deal, till the reckoning, if only because it promised

him what Eve, coached by the serpent, had promised her man. We are cheated of our birthright—eternity and omniscience—because of our putrid, stinking bodies—try to get into the spirit of this or it'll be tough sledding—and, well, it's not fair.

Mankind worships gods, or God, of our own making, and on earth we hand over to heroes a portion, sometimes great, sometimes not so great, of that reverence we like to think we reserve only for those, divinities, safely removed from the cycle of birth, maturity, disintegration, and extinction. We hear a lot about the anti-heroes on the page and on the screen, but even they are “anti-heroic” only by deviating minimally from yesterday's conception of the hero. The anti-hero is modern man's homage to the democratic ideal: we assume a posture of skepticism about heroism, about heroics as a style; then, that out of the way, we grovel before our new, ever so

slightly tarnished incarnation of superman, pleased that we can be at once up to date and properly humble before those “better” (read: richer or stronger or handsomer or more powerful or purer or at least, and always, more successful) than we.

The cinema, and its little brother, television, tell us not so much about what we are as about what we want to be, just as, earlier, the sacred books, and the profane, reflected our dreams and our hopes. Not to consider movies in this light is to shut off an important function, perhaps the most important of their functions. I haven't run this through the computer but I'd wager that at least half and quite probably more than half of the movies that make a significant dent in our consciousnesses, and that bring the delicious profits to the movie making companies, can be understood best as reflections of man's yearning to be more than man, to be, in a word, superman.

Regard four films this

month that speak to the theory, two of them already opened, and these to decidedly mixed reviews, and two that will be in theaters everywhere when you read this, though as I write this piece they have been only privately screened. Only one, *Dracula*, ranks with the best films of the year thus far, but the other three—*Rocky II*, *Butch and Sundance: The Early Days*, and *The Seduction of Joe Tynan*—make the point just as well.

The Seduction of Joe Tynan was born as *Senator*, the title under which it was first screened some months ago. Universal Studios announced the title change in mid-June in a terse (two-sentence) press release; no reason was given, though a few come easily to mind. The original name lacked sex appeal, there being few people in that body who exude it; it denied us an enticing theme—“seduction” is a lovely word, however much we hypocritically condemn the operation it-



“*Dracula*, starring Frank Langella, ranks with the best films of the year so far.”

self; and it left us without a tough macho monicker for our hero. The new title is no improvement if you want to know what the film's about, but it is a honey from the marketing point of view. If Milton had lived in a den of PR boys his masterpiece would have come to us as *Adam's Disobedience—and Satan Gets His*.

Alan Alda, best known these days in "M*A*S*H," wrote *The Seduction of Joe Tynan* and stars in it as the idealistic New York solon whose superiority is demonstrated when he breaks a promise to his sweet, senile old colleague from the backward South, Senator Birney (Melvyn Douglas), and opposes a Supreme Court nominee from the same region because of the man's "racist" past. His lovely wife, Ellie (Barbara Harris), has a hard time living the life of the perfect future President's wife; but the crusading lady lawyer from an enlightened corner of the backward South (Meryl Streep) is just the ticket for a lusty young political god who needs a bit of lovin' in between holy wars. This movie updates *Advise and Consent*, spares us (mercifully) the homosexual sub-theme but compensates that loss with adultery, and winks knowingly at us with its hip lingo. "It's my god-damn ass," Senator Joe's rambunctious daughter informs her dad, even before Mr. Carter elected to boast of his capacity to whip the same anatomical part on Senator Kennedy. Little stabs like that at what is presumed to be everyday chatter in the best of families, and probably is, though its relevance to the plot is not immediately apparent, pepper *The Seduction of Joe Tynan* as if they were the garnish on a steak *au poivre*. Senator Joe is meat, all right, the perfect hunk, grade-A choice senatorial liberal; wrap him up and take him home to the

White House for an extended occupancy.

Alda has written (and Jerry Schatzberg directed) a clever and frequently amusing, even sometimes insightful, film about the making of a presidential *type*. The more fashionable Hollywood verities are enshrined—Wayne is ever so much more loveable now that he's safely dead, and Ronald Reagan, orange hair or no, has long since been disowned by the movie colony that made him—but at the same time the plasticity of the central character is underscored. Here, we are shown, is our superman of politics, in no way inferior to the real life heroes of the ballot box, in fact a quintessential president-in-training. Yank any, *any*, conceivable next President of these United States out of his chair one afternoon, insert Joe Tynan, and call it even. There are, of course, several variations on the theme, but try this on for size: Tynan/Teddy challenges the powers, cheats on his wife but loves the little woman anyhow and stays married, puts Principle above party, surrounds himself with a crackerjack staff, and becomes inevitable. For Number Uno. By the time you read this, everybody will be rushing off to the movie. It ought to do swell business right through the first primaries.

If you liked *Butch Cassidy and the Sundance Kid*, and America loved it, you had only one regret: at the end the heroes died. You cain't hardly whip up a sequel after that, 'ceptin' if you wanna follow the fellas to the pearly gates. So you conjure up a "prequel" and show us how they got to be what and who they got to be. Elementary. It didn't work, more's the pity, not even with two roguishly handsome male starlets (William Katt, prequeler to Robert Redford, and Tom Berenger, prequeler to Paul Newman) slavishly mimick-

ing every gesture of their elders, and aw-shucksin' us near to death. Photography so pretty that you want to leap right up into the screen and throw snowballs with or maybe even at the lads, tag along on old Paint, and rob a train or two with them; bloodless mayhem (well, almost: one villain gets plugged); tens of minutes of smouldering glances and pointless discussions and more tens of minutes of boyish fun playing outlaw: it's all there except a plausible story or even the slightest hint of how these junior league bad boys grew up to become our beloved Butch and Sundance.

And yet they ascend bodily into cinema heaven without benefit of death: they have everything—looks, style, innate goodness, instinctive chivalry, wardrobes not likely seen in the closets of thieves in the old West, and grins that most American boys would trade their sisters to be able to display. *Butch and Sundance: The Early Days* verifies the old adage about the tendency lightning has not to strike twice in the same place—in short, it's a turkey—but for all that it fails, in fact embarrasses, it nakedly demonstrates the realization that the makers of pop cultural myths have of what myths we want them to make: we want them to rescue us from the grasp of Death, not merely to stop Death from reaching us but actually to turn back the clock and restore us to our prime. These two strikingly attractive actors don't even get dirty dirtily, nor are their wounds unsightly. That would be blasphemy: Butch and Sundance cheated the Reaper by experiencing born-againness as youths. Next? Next—why not? —*Butch and Sundance: the Prepubescent Years*, starring Ricky Schroder (*The Champ*) as Sundance and. . .

It's a once-only trick, this

prequel routine; the more customary approach is the standard sequel, wherein we thrill again to our hero's greatness and stave off obsolescence by recapitulating the achievements of the great one, preferably without tinkering (to tamper with success is to court disaster) with the winning formula. Few sequels equal, much less better, their originals. Only the second *Godfather* is as good as its original; maybe only *The Godfather, Part II*, of all sequels ever made, *surpasses* its original. But *Rocky* (1977) left us one element short of satisfied, so *Rocky II* has materialized to remedy that little problem.

More than enough has been written about Sylvester Stallone's rough sailing since *Rocky*. You know that *F.I.S.T.* and *Paradise Alley* were disasters and that the only road conceivable to the man was to mine the same lode and hope to come up with the same precious ore. I wish the line were mine, but it's Gene Shalit's: *Rocky II* isn't a sequel, it's a remake. What made us love and root for Rocky Balboa, the Italian Stallion? He is decent (a gang muscle man who prefers not to break arms), he loves animals (Butkus his dog and Cuff and Link his turtles), he has plucked mousy Adrian (Talia Shire) out of the pet store, gently removed her glasses, and made her beautiful in our eyes and in hers, he has fought the good fight against Muhammed Ali-esque Apollo Creed (Carl Weathers), but—or maybe *and*—he just barely lost the title bout. Do you need a crystal ball to know who wins the rematch? Superman, you realize, doesn't have to repair the San Andreas Fault and rescue Lois Lane from falling helicopters; superman need only (only!) be incomparably better and larger than life.

If Sly Stallone had disappeared after *Rocky*, his

wonderful heroic boxer-lover-friend of humanity would have been enough to ensure his, Stallone's, place in our movie-loving hearts for decades. But forever? No, because Rocky lost the fight. Now Rocky marries Adrian, he lavishes pretty things upon her, he fathers baby Rocky Jr., he can't make it (because his integrity won't allow him to make it) in the cheap world of commercial hype, he can't find happiness except in the ring, coached again by Burgess Meredith pixie-Mickey, propelled once more into the contemporary gladiatorial bout with Apollo. Last time he ran up those hundreds of stairs alone, this time half the human race under the age of twelve runs along behind him. Last time he prayed now and again (superman as saint), this time he spends a quarter of the picture on his knees. Last time he lost and left the ring with a dangerously wounded eye, this time he wins and—I'm guessing, but I'll take bets on this one—he comes back in *Rocky III* with failed eyesight, only to wrench buckets of tears from us as we cheer him on to insight and then, at last, to sight. Man becomes superman even when he mumbles, so long as he mumbles with a clean heart and a valiant soul. So who said superman couldn't be heavyweight champion of the world?

If superman Senator Joe Tynan manages to get it on with a lovely lady, retain the adoration of his wonderful wife, uphold racial brotherhood, defeat the wicked bigots, and position himself for the presidency with nary a pause for breath; if supermen Butch and Sundance cheat death by jumping from Death, by leaping back to young manhood; if superman Rocky corrects the injustice of the ages by beating Apollo Creed the second time around: superman Dracula defies time,

spans the centuries in ageless evening dress, discovers unimaginably juicy virgin necks to nibble, and wriggles out of tight squeezes and unfriendly confrontations with crucifixes and sacred hosts and garlic by pulling a Clark Kent into wolf's hide or bat wings. Now you try and beat that.

The latest *Dracula*, inspired not by the successful recent stage play but by the Bram Stoker book and the original stage play and Bela Lugosi movie, stars Frank Langella, who created the role on Broadway in the new version, the one designed by Edward Gorey. For once in a serious production, the 500-year-old count from Transylvania looks the sort of chap who would be welcome at any fashionable house, and to whom full-blooded, well-bred, sexually curious young ladies might without much thought turn up their necks for a pleasant, neighborly nip. And unlike the stage play, *Dracula* the movie only *suggests* the campy, playing it by and large with a straight face.

Laurence Olivier bounces back from *A Little Romance*, in which he gave mugging the blues, to match the vampire with a truly noble Professor van Helsing. Donald Pleasence plays sweet Lucy's daddy. Lucy is nubile and willing; her dad, well-meaning but obtuse; even van Helsing gives up the ghost. Yet only Dracula himself really matters in this brilliant and touching movie. As Langella does him he is a master of the throw-away line. It's not "I don't drink—*wine*." It's "I don't drink [thousandth-of-a-second pause] wine." No bulging eyes, no drooling tongue, no *excess*; this Dracula is all business, the business in his case of drinking enough to sustain him and getting a good night's sleep in native soil. Eternity is *his*. So the wolves make noises at the moon, and poor Mina comes back from the grave, blue and bloody, to remind us that a job half done is a botch, and the sound track is resolutely old-fashioned, and the count's rented castle in Eng-

land is a cobweb horror: the point of it is the leap past mundane mortality. How banal to exist for three score and ten and then rot and feed worms! Ever so much more delightful to put up with a bit of inconvenience (those coffins) and an occasional brush with prejudiced human beings bent on exposing one to the light of day or driving stakes through one's heart, when the payoff is everlasting life.

I am not suggesting that young men jogging along the river to improve their cardio-vascular systems dream of achieving supermanhood via vampirehood. I am saying that we root at the end for Dracula, not for his decent, conventional opponents, because Dracula can live forever. You can't top that. □

David Brudnoy also reviews films for *Boston Magazine*, *The Provincetown Advocate*, and WNAC-TV (CBS) in Boston, and hosts New England's leading radio talk show, on WHDH-AM, also in Boston. © Copyright David Brudnoy 1979.



"Butch and Sundance: *The Early Days* proves that lightning doesn't strike twice in the same place."

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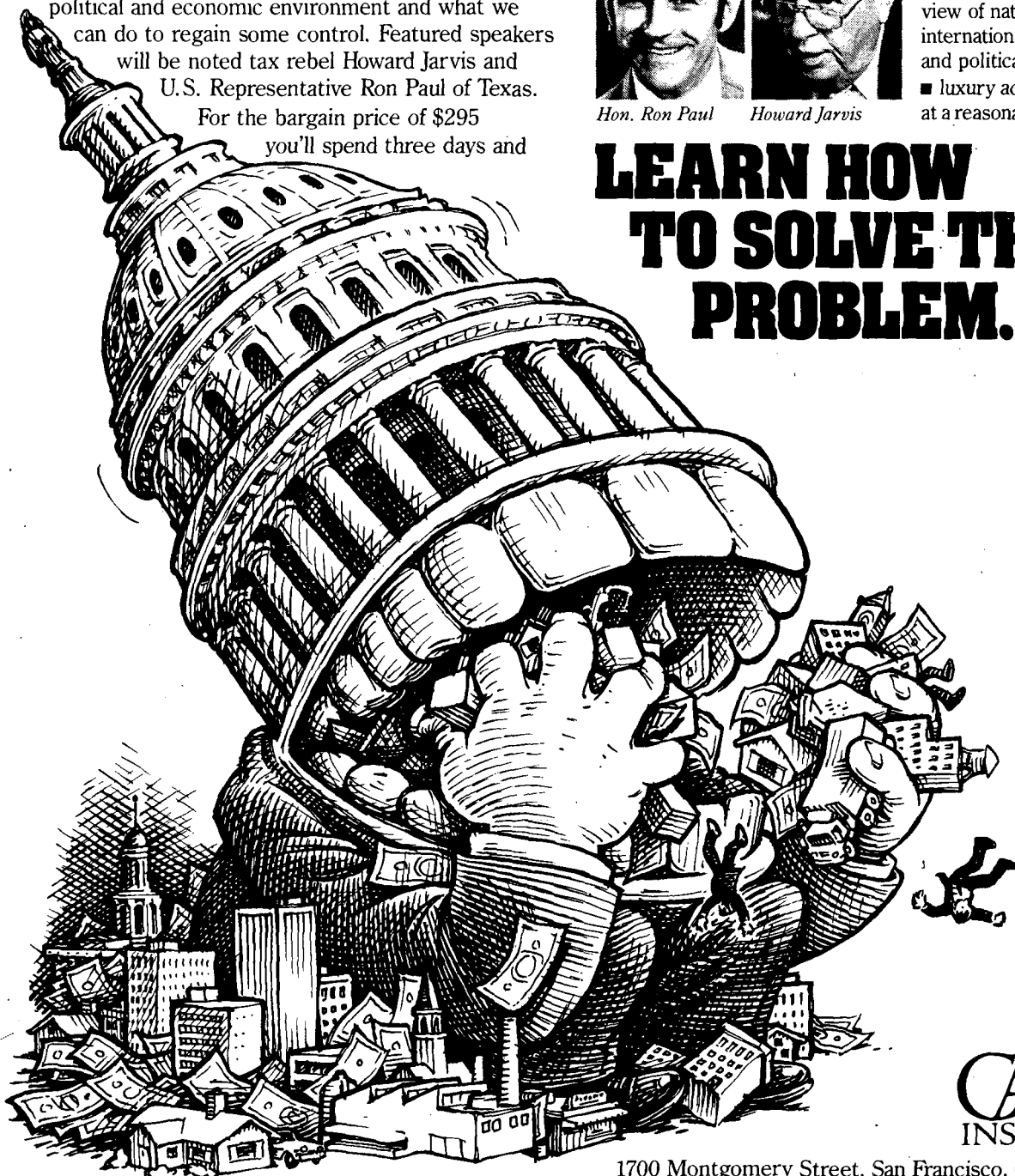
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